

PUBLIC DEFENDER COMMISSION

*With Governor's
Recommendations*



**Missouri State Public Defender System
Budget Request
Fiscal Year 2008**

PUBLIC DEFENDER COMMISSION

Budget Request Fiscal Year 2008

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**State Public Defender
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**Office of the State Public Defender
231 East Capitol
Jefferson City, Missouri 65101**

October 1, 2006

Dear Governor Blunt:

As Acting Director of Missouri's State Public Defender System while Director J. Marty Robinson is on active duty with the U.S. armed forces in Baghdad, Iraq, I submit to you our Department's budget request for FY2008. As you will see, this budget requests a significant increase in both funding and FTE in a year where the goal is to streamline, rather than expand state government. It is not a request we make lightly, but one we ask you to consider carefully in order to avoid much greater costs to the state of Missouri in the future.

The previous two administrations chose not to address the increasing caseload of Missouri's public defenders as it developed. The resulting legacy now facing your administration is that of a system in crisis and on the verge of collapse. An independent assessment by The Spangenberg Group, a national consultant on defender services retained by the Missouri Bar, determined that Missouri is dead last in the country in per capita expenditures for a statewide public defender system. Many of our attorneys are carrying close to twice the number of cases recommended by national standards for de-

fender caseloads. Last year, Missouri's public defenders worked over 25,000 hours of unpaid overtime trying to keep up with the workload. They forfeited back to the state an average of 42 hours of accumulated annual leave. Our employees are giving their all – and they are burning out and leaving state service at unprecedented rates. The repositioning adjustments approved by your administration last year were a welcome first step in addressing the 116% attorney turnover rate experienced by Missouri's State Public Defender System over the last six years, but the caseload crisis continues and must be addressed.

As you know, the Missouri State Public Defender System is tasked with only one responsibility: meeting the state's constitutional obligation to provide effective assistance of counsel to those who are charged in Missouri's criminal courts and are unable to afford their own attorneys. The workload is determined by the number of cases that come through the door and the level of service required is constitutionally mandated.

There are no expendable programs. There are no options for cutting back on services to fit within existing staffing levels other than refusing to provide representation in new criminal cases -- a move that would precipitate a constitutional crisis in Missouri's courts and, inevitably, a federal lawsuit against the state. Missouri's experience with years of federal court oversight due to the desegregation lawsuit gives a glimpse of what the future is likely to hold for Missouri's public defender system if bold action is not taken now. Your leadership in this effort is desperately needed.

The Senate Interim Committee on the Public Defender and the Missouri Bar Task Force on the Public Defender have been exploring ways of addressing the caseload crisis and have identified three primary options:

1. Reducing the number of cases the public defender is required to handle;
2. Increasing the number of public defenders to handle the existing caseload; or
3. Creating a fund to contract large numbers of cases out to private attorneys.

The first option requires no additional FTE, but does require removing jail time as a potential sentence for most traffic and misdemeanor cases, since it is this which triggers the constitutional obligation to provide counsel. If Missouri public defenders were removed from the 28,171 misdemeanor and traffic cases they handled last year, the remaining caseload would be right at national standards for public defender caseloads and no new FTE would be required. However, if the preference is, as it appears to be, to keep jail time as an option in traffic and misdemeanor cases, then the second course of action in the above list appears to be the most economical solution -- increasing the staffing of the Missouri State Public Defender System to handle the resulting caseload. The third option, contracting out large numbers of cases to private attorneys to

address the overload, is included in this budget, but is the most expensive of the three options since private attorney fees for handling even minor cases quickly mount up to more than the salary of a public defender.

This budget does not request any additional FTE for *projected* caseload, only what is absolutely necessary to handle the caseload we already have. In July, 2006, the ABA issued an ethical advisory opinion reiterating that public defenders, just like private attorneys, have an ethical obligation not to accept more cases than they can effectively handle and that, just like private attorneys, public defenders may be subject to professional discipline for violating that obligation. The opinion cited national public defender caseload standards developed by the Department of Justice's National Advisory Commission as a reasonable point of reference for determining what is excessive. This is the same standard that the Senate Interim Committee opted to rely upon in lieu of expending significant state funds for a Missouri-specific caseload study. Under this standard, the Missouri State Public Defender needs 108 more public defenders, and associated support staff, to handle the caseload currently on its collective desk.

Missouri's caseload crisis did not develop overnight and it will take more than a band-aid approach to address it. Today, Missouri's public defenders practice is largely triage, with some cases and clients receiving their constitutionally guaranteed right to counsel and many more who do not. In order to keep up with the caseload, each attorney would have to dispose of one case every day of the year, including weekends and holidays, and limit their representation to an average of six hours per case, irrespective of whether it is a traffic case or a murder case. Obviously, this situation not only leaves Missouri ripe for a potentially devastating class action lawsuit, it also violates Missourians' idea of basic justice.

This caseload crisis is inextricably linked with the almost im-

possible task of recruiting and retaining qualified and experienced attorneys to serve Missouri as public defenders. Even with the repositioning adjustments approved last year, Missouri's state public defenders remain among the lowest paid public defenders in the country. None of them take this job for the money, but the average public defender is carrying between \$60,000 and \$100,000 in student loan debt. This means that the length of their tenure is often tied to their parents' tolerance for letting them continue to live at home after getting their law degree as the only way they can make ends meet. Many of our attorneys work second jobs – delivering pizza, bartending, truck-driving, even doing laundry in a nursing home – in an effort to remain in a job they love.¹ Many more decide after two to three years that they also want to get married, have children, perhaps even buy a home. Unable to meet these additional financial obligations and their student loans payments on a public defender salary, they have to move on.

This continual recycling of attorney positions has a direct impact on the caseload crisis. As experienced attorneys leave and are replaced by new, inexperienced ones, cases are delayed time and time again. More time is spent by the few remaining experienced attorneys training the new ones, leaving even less time for work on their own cases. The result is that victims and defendants wait longer and longer for their day in court, while jails and court dockets bulge with old cases. Often judges wind up forcing cases to trial before the lawyers can be ready out of sheer desperation to move the cases. The risk of an innocent person being convicted and the risk of an accurate conviction being overturned due to ineffective assistance of counsel continue to rise. Either way, the citizens of Missouri are not being well-served.

This revolving door of attorneys can be slowed by increasing salaries to a level sufficient for the lawyers to make their student loan payments and still maintain a reasonable standard of

living, sufficient to raise a family. It can also be addressed by adoption of a loan forgiveness program comparable to one already in place in Missouri for certain health profession positions² This budget addresses both of these options.

Under the current salary structure for public defenders, most attorneys 'top out,' in terms of salary potential, at a salary of \$56,868 within 3-4 years of service unless they move into one of a limited number of management or capital positions. This is the most money they will ever make, whether they are a public defender for 4 years or 24 years, apart from COLA increases. This budget proposes a pilot "Pay for Performance" program that would allow us to reward – and thus retain – those attorneys who are truly outstanding performers. There will always be a number of attorneys who come to the public defender system for a few years and then move on, and this is as it should be. But it is critical that Missouri retain a core group of highly qualified, career public defenders to handle the significant number of complex cases that require our services and to train each new generation of 'short-termers' who handle the less-serious cases. This budget includes a proposal would meet that need.

The Personnel Advisory Board has stated its intention of developing a long-term 'pay for performance' plan for the executive branch of state government once mechanisms are in place throughout state government for evaluating performance effectively. The Missouri State Public Defender System offers a prime opportunity for the state to test the PAB long-range plan in a small, easily-funded pilot program while at the same time addressing the retention crisis that threatens the state's ability to meet its constitutional obligations in indigent defense. We already have in place an impressive attorney performance appraisal system, which has actually been emulated by several public defender systems in other states, and on which all attorneys and supervisors have been trained. The only problem with its use has been that our attorneys and supervisors are

too overloaded with cases to fully implement it. However, with caseload relief, the mechanism is in place for its immediate utilization, meeting both the needs of the Missouri State Public Defender System for retaining a core group of career public defenders and the state's interest in exploring this approach to state employee compensation.

This budget proposal also includes:

Removal of the appropriation ceiling on the Legal Defense and Defender Fund, which consists of payments by public defender clients through the Lien & Recoupment program established in Chapter 600.090 RSMo.;

Restoration of the 2004 cuts in the Expense and Equipment budget in order to meet the increased litigation costs that accompany a growing caseload, not the least of which is mileage costs for 2.5 million miles public defenders drove last year handling cases;

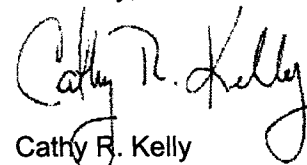
A renewed request for Missouri to take over full responsibility for funding public defender office space from the counties, so that its employees are no longer required to negotiate with 33 county commissioners to get a change in a lease approved in the Chillicothe office; or have attorneys officing in telephone and computer closets; or contend with a closed file room that has a dirt floor and turns to mud with every rain. The statute providing for the counties to provide office space for public defenders was enacted a quarter of a century ago and has long since been outgrown. We ask that it be put to rest and that Missouri State Public Defenders be treated like all other state departments who control their own office space arrangements within their allocated budgets.

An increase in salaries for District Public Defenders, who not only handle close to a full caseload of complex cases, but also are the supervisors of the local public defender offices around the state. Apart from the need

to run for office, they are, in every respect, the defender equivalent of full time county prosecuting attorneys whose salaries are statutorily set at \$96,000. The District Public Defenders, however, are paid \$64,596, an inequity that undoubtedly contributes to the 12% turnover we experience in District Defenders each year.

Every school child can recite the familiar mantra, "*You have a right to an attorney. If you cannot afford an attorney, one will be appointed for you.*" Few understand what it takes to turn those words into an effective system of indigent defense representation. This budget asks that your administration leave a different legacy than the one you inherited – one in which Missouri is living up to its constitutional obligations and under which justice in Missouri is no longer in jeopardy. We believe most Missourians would consider these worthy goals equal to that of streamlining state government. We hope you do as well.

Sincerely,



Cathy R. Kelly
Acting Director

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- 1 One assistant public defender actually wound up delivering pizza to one of his clients. Not surprisingly, that attorney left both state employment and his secondary pizza delivery job not long thereafter.
 - 2 It is our understanding that the Senate Interim Committee is considering proposing a loan forgiveness program that would be applicable to both public defenders and prosecuting attorneys.

PROGRAM DESCRIPTION

Department: Office of the State Public Defender

Program Name: Public Defender

Program is found in the following core budget(s): Legal Services, Federal Funds and Grants, Legal Defense & Defender Fund, Extraordinary Expenses and Debt Offset.

1. What does this program do?

In response to the guarantee of effective assistance of counsel contained in both the United States and Missouri constitutions, the Missouri State Public Defender System was established on April 1, 1982 as a "system for providing defense services to every jurisdiction within the state by means of a centrally administered organization having a full-time staff." Through this Department of State government, constitutionally required defense services are provided to eligible persons. This is accomplished through an organized program capable of responding to the needs of all judicial jurisdictions within the state in an efficient, cost-effective manner.

2. What is the authorization for this program, i.e., federal or state statute, etc.? (Include the federal program number, if applicable.)

The Missouri State Public Defender System is created by authority of Chapter 600, RSMo, and in recognition of the United States Constitutional guarantees of equal protection and due process of law. The system was established in 1972.

3. Are there federal matching requirements? If yes, please explain.

NO

4. Is this a federally mandated program? If yes, please explain.

The United States Constitutional guarantees of equal protection and due process of law.

"In all criminal prosecutions, the accused shall enjoy the right...to have the assistance of counsel for his defense."

U.S. Constitution, Amendment VI -
December 15, 1791

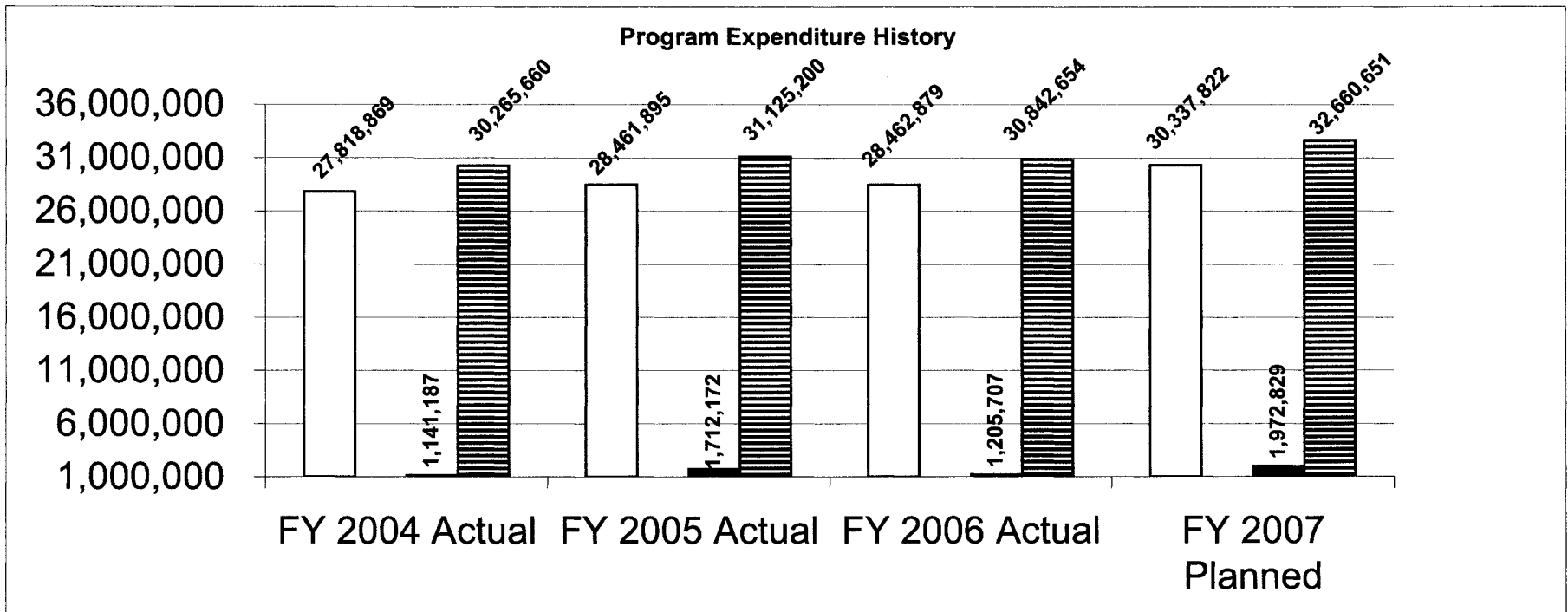
PROGRAM DESCRIPTION

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Program Name: Public Defender

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5. Provide actual expenditures for the prior three fiscal years and planned expenditures for the current fiscal year.



6. What are the sources of the "Other " funds?

Legal Defense and Defender Fund - Payments collected from clients of the Missouri State Public Defender System.

PROGRAM DESCRIPTION

Department: Office of the State Public Defender

Program Name: Public Defender

Program is found in the following core budget(s): Legal Services, Federal Funds and Grants, Legal Defense & Defender Fund, Extraordinary Expenses and Debt Offset.

7a. Provide an effectiveness measure.

Using data from fiscal year 2006, a composite example of a "typical trial division public defender" can be developed.

In Fiscal Year 2006, the Trial Division of the Public Defender System opened 86,368 new cases. The Trial Division was allocated 292 attorney positions. Therefore, the "typical trial division public defender" opened 296 cases during Fiscal Year 2006. This means the defender must open one case and dispose of another case each and every workday to insure successful caseload management. Approximately 120 of the cases assigned to the "typical trial division defender" in fiscal year 2006 were felonies. The breakdown by category of cases handled by the "typical trial division defender" is presented in the following table.

FY2006 State Public Defender—Trial Division Typical Caseload	
Description	# of Cases
Homicide	1
A-B Felony	24
C-D Felony	89
Misdemeanor	102
Juvenile	13
Probation Violations	69
Total Average Caseload Per Trial Division Attorney	295

PROGRAM DESCRIPTION

Department: Office of the State Public Defender

Program Name: Public Defender

Program is found in the following core budget(s): Legal Services, Federal Funds and Grants, Legal Defense & Defender Fund, Extraordinary Expenses and Debt Offset.

7b. Provide an efficiency measure.

In December of 2000, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, published the "Compendium of Standards for Indigent Defense Systems", "A Resource Guide for Practitioners and Policymakers". The Compendium of Standards for Indigent Defense Systems brings together standards from a wide variety of sources. It shows the different ways in which practice and procedures are addressed. It also addresses: administration of defense systems, attorney performance, capital case representation, appellate services, and juvenile justice defense. The report of the Task Force on the Courts of National Advisory Commission on Criminal Justice Standards and Goals is included in the Compendium.

NAC Standard 13.12. Workload of Public Defenders

The caseload of a public defender office should not exceed the following:

Caseload of attorneys per year:

Felonies—Not more than 150

Misdemeanors—Not more than 400

juvenile Cases—not more than 200

Mental Health Cases— not more than 200;

Appeals per attorney per year: not more than 25

For purposes of this standard, the term case means a single charge or set of charges concerning a defendant (or other client) in one court in one proceeding. An appeal or other action for postjudgment review is a separate case. If the public defender determines that because of excessive workload the assumption of additional cases or continued representation in previously accepted cases by his office might reasonably be expected to lead to inadequate representation in cases handled by him, he should bring this to the attention of the court. If the court accepts such assertions, the court should direct the public defender to refuse to accept or retain additional cases for representation by his office.

The actual new cases assigned to the State Public Defender's Trial Division was 86,368 in Fiscal Year 2006. Using the NAC standards shown above the required number of trial division attorneys to effectively provide representation is 394. The trial division currently has 292 attorney FTE allocated. Therefore, this decision item requests the 102 additional attorneys to staff the trial division at the NAC recommended staffing levels.

PROGRAM DESCRIPTION

Department: Office of the State Public Defender

Program Name: Public Defender

Program is found in the following core budget(s): Legal Services, Federal Funds and Grants, Legal Defense & Defender Fund, Extraordinary Expenses and Debt Offset.

7c. Provide the number of clients/individuals served, if applicable.

August-06													
Missouri State Public Defender System													
Cases Assigned by Case Type													
	Murder 1st	Other Homicide	Felony	Murder + Felony Caseload	Misdemeanor	Juvenile	PCR	Other	Probation Violation	Appeals	Total Opened	Total Closed	Closed to Open Ratio
FY08 PROJECTION	139	169	38,376	38,684	31,681	3,777	934	41	23,284	761	99,162	91,226	0.9200
FY07 PROJECTION	139	157	36,826	37,122	29,904	3,726	884	43	21,260	735	93,674	87,152	0.9304
FY06 ACTUAL	138	146	35,339	35,623	28,227	3,676	838	46	19,412	710	88,532	83,260	0.9405
FY05 ACTUAL	156	124	33,282	33,562	28,931	3,881	937	120	20,012	688	88,131	87,180	0.9892
FY04 ACTUAL	154	140	34,422	34,716	28,018	4,258	807	98	20,263	756	88,916	86,356	0.9712
FY03 ACTUAL	195	114	35,425	35,734	25,807	4,147	806	103	18,479	832	85,908	81,059	0.9436
FY02 ACTUAL	163	132	33,183	33,478	25,147	3,918	802	64	18,047	750	82,206	77,165	0.9387
FY01 ACTUAL	182	125	29,934	30,241	22,903	4,488	711	82	17,663	698	76,786	73,438	0.9564
FY00 ACTUAL	147	109	28,019	28,275	24,119	4,998	763	76	16,768	739	75,738	69,591	0.9188
FY99 ACTUAL	182	108	28,892	29,182	23,721	4,629	797	112	14,488	809	73,738	74,570	1.0113
FY98 ACTUAL	196	87	31,591	31,874	24,676	4,270	674	138	14,141	689	76,462	74,495	0.9743
FY97 ACTUAL	169	79	29,663	29,911	21,912	4,075	513	156	13,437	839	70,843	67,870	0.9580
FY96 ACTUAL	175	88	30,198	30,461	23,069	3,612	707	178	11,444	1,038	70,509	70,664	1.0022
FY95 ACTUAL	256	109	27,688	28,053	17,696	3,916	719	165	9,362	1,138	61,049	61,710	1.0108
FY94 ACTUAL	255	152	25,338	25,745	17,852	3,374	682	201	8,225	1,017	57,096	52,453	0.9187
FY93 ACTUAL	301	136	24,402	24,839	15,883	3,146	766	249	7,301	872	53,056	52,363	0.9869
FY92 ACTUAL	282	37	25,458	25,777	19,974	3,372	1,129	167	5,321	569	56,309	55,651	0.9883
FY91 ACTUAL	193	63	21,304	21,560	13,941	2,713	588	169	5,051	820	44,842	49,038	1.0936
FY90 ACTUAL	227	109	23,336	23,672	14,627	3,300	732	369	5,834	1,094	49,628	46,425	0.9355
FY89 ACTUAL	193	149	20,838	21,180	12,902	3,298	1,342	418	5,074	1,243	45,457	42,532	0.9357
FY88 ACTUAL	202	161	20,640	21,003	12,427	3,455	1,006	470	4,475	920	43,756	40,117	0.9168
FY87 ACTUAL	199	145	19,254	19,598	11,736	3,564	755	443	4,308	728	41,132	37,081	0.9015
FY86 ACTUAL	166	175	17,042	17,383	10,602	3,328	612	611	3,815	608	36,959	34,491	0.9332
FY85 ACTUAL	152	172	15,397	15,721	9,126	3,500	543	522	3,293	632	33,337	32,410	0.9722
FY84 ACTUAL	176	175	15,048	15,399	9,256	3,058	534	499	2,878	506	32,130	31,730	0.9876

PUBLIC DEFENDER COMMISSION
MANAGEMENT ADVISORY REPORT -
STATE AUDITOR'S FINDINGS

1. Indigency Determination

Applications for public defender services were not always completed by clients and the indigency determination was not always supported by commission guidelines. The Office of State Public Defender (OSPD) did not request to withdraw from cases when appointed by the court.

A standard application form is to be used to record general and financial information of the potential client and to document the determination of whether the applicant is indigent and qualifies for defense counsel by the OSPD. Guidelines to be considered when making indigency determinations have been established by the Public Defender Commission (PDC) as documented in 18 CSR 10-3.010. The criteria for determination of indigency include maximum income limits according to the federal poverty guidelines, certain debts, amount of bond posted, spouse's and parent's income in certain cases, equity in a home, cash held, and other financial assets available.

We reviewed 79 cases that were opened during fiscal year 2004 for indigency determination procedures. We also reviewed 50 applications for public defender counsel that were denied by the OSPD. We noted the following:

- A. Applications for public defender services were not completed in five cases reviewed. Section 600.086.3, RSMo Cumulative Supp. 2003, provides that all individuals claiming indigency must complete an application.
- B. The documented information, such as assets and income, on three applications reviewed did not appear to support the indigency determination when applying the PDC guidelines.
- C. The OSPD did not request to withdraw from cases when appointed by the court. In 7 cases reviewed, public defenders were appointed by the court to represent individuals before applications for services were completed. In two of the 79 cases reviewed, an application was not completed after the appointment; therefore, a determination of indigency was not performed. According to various court personnel, in five of the 50 denied applications reviewed, the individuals appeared in court without appropriate counsel; therefore, a public defender was appointed. In each of these cases, the clients completed applications after the appointments. Based on the information in the applications and the indigency guidelines, these individuals did not appear eligible for public defender services.

The State Public Defender (SPD) indicated that while the court does not have the authority to appoint public defenders in these circumstances, it is less complicated

to handle another case than to make a motion to withdraw from the appointed case. The SPD stated that attempting to withdraw from a case can be a timely process that may involve filing a writ with the Court of Appeals.

Missouri Court of Appeals decision, *State of Missouri, ex rel., William J. Shaw, Public Defender for the Twenty-First Judicial Circuit v. The Hon. Richard F. Provaznik, Division Sixteen of the Twenty-First Judicial Circuit*, 708 S.W.2d 337 (1986) states:

"Under Section 600.086.3, it is the public defender who must in the first instance determine eligibility within the financial rules of legal representation at public expense. Respondent on the date of the civil contempt hearing declared..... indigent and appointed a public defender as counsel. This action afforded no opportunity for the public defender to perform its statutory duty of determining indigency status. The judiciary is to intervene only upon appeal of the public defender's adverse decision. There is no statutory authority for the direct appointment of a public defender by a trial judge based on indigency."

During our review, we noted correspondence between the OSPD and a Missouri judge who the OSPD indicated routinely appoints the public defender to represent individuals on probationary matters before an indigency determination can be completed. The OSPD informed the judge that the practice of appointing a public defender in these cases does not allow the OSPD to comply with state law and requested the court's assistance in doing so. The SPD indicated they have also addressed this issue with other judges.

In January 2004, the OSPD began tracking cases where judges appoint public defenders. In one judicial circuit, OSPD records indicate there were 914 OSPD cases opened between January 1, 2004 and October 5, 2004, with judges appointing public defenders in 145, or 16 percent, of the cases. The OSPD plans to utilize this information to identify trends in public defender appointments.

By not withdrawing from cases appointed by the court for individuals that are not indigent, the OSPD is using state resources to represent clients that are not eligible. This increases the workload that must be handled by each attorney.

WE RECOMMEND the OSPD:

- A. Ensure applications for public defender services are completed for all potential clients.
- B. Ensure that the indigency determination is appropriately determined.
- C. More aggressively pursue legal courses of action when public defender services are inappropriately appointed by the court.

AUDITEE'S RESPONSE

The State Public Defender stated:

- A. *"The Office of the State Public Defender (OSPD) agrees that the Application and Affidavit for Public Defender Services form must be completed for each potential client. Our Departmental Policies will be revised to include a section on indigency determination and appropriate documentation. Attorneys will be trained to understand that each client must have a determination of indigency. A probation violation case will be defined in the policy as a separate and distinct case, unless the underlying case is still open. Departmental policies will be revised by January 15, 2005."*
- B. *"Attorneys and staff who receive applications from potential clients will be trained to document their determination of indigency, or non-indigency. The application form will be revised to include the signature of the OSPD employee making the determination. In an effort to save monies, the supply of the current form will be exhausted prior to reprinting."*
- C. *"OSPD agrees that judges are misusing state resources by appointing the Public Defender when the defendant is not indigent, or has not made a proper application for public defender services as required by statute. OSPD agrees with the State Auditor's analysis of Missouri statute and case law, which provide 'no statutory authority for direct appointment of a Public Defender by a trial judge based on indigency'. OSPD agrees these improper appointments increase the workload that must be handled by each public defender attorney."*

"As stated in the Auditor's findings, in January 2004 OSPD began tracking cases where judges appoint the Public Defender. This database will assist OSPD in identifying judges who improperly appoint the public defender for ineligible defendants. The records and reports generated by this database will be made available to the Executive, Legislative, and Judicial branches of state government, as well as other interested parties. OSPD will continue to challenge this judicial misuse of taxpayer money."

"The Public Defender Commission and the Director will continue advising the Missouri Supreme Court and Legislature of the need to encourage Missouri's courts to comply with the statute and Guidelines for the Determination of Indigency issued by the Missouri State Public Defender Commission."

"OSPD is currently involved in litigation pursuing judicial compliance, which should bring the added benefit of public and governmental awareness of the problem. Should the problem continue, OSPD will aggressively litigate and challenge future misuse of its resources."

2.

Cost Recovery

The OSPD did not file liens or obtain promissory notes (the amount due from the client for representation) for all cases. In addition, when liens were filed or promissory notes sought, they were not always set at the correct amount or entered into the Lien and Recoupment System properly.

During the years ended June 30, 2004, 2003, and 2002, costs of over \$1.4 million, \$1.1 million, and \$800,000, respectively, were recovered from defendants who were represented by public defenders. This resulted in an average recovery of approximately \$16, \$13, and \$10 per case, respectively.

During our review of the OSPD's cost recovery procedures, we noted the following:

- A. Liens were not filed or promissory notes sought for 13 of 64 cases reviewed which had been disposed of at the time of our review. In eight of these cases, the client was being represented on multiple charges and the public defender chose to file a lien on only one charge rather than on all charges brought against the client. In four of the cases, liens were sought in a court that does not routinely grant liens, and in one case, a lien was not sought because an OSPD official indicated minimal representation was performed by the public defender.
- B. Seven of 48 liens reviewed were filed for an amount different than the fee schedule adopted by the PDC. Five liens were incorrect because the OSPD used an outdated fee schedule resulting in charges to the client less than the updated schedule warranted. Two liens were incorrect because the liens filed did not pertain to the type of charges against the clients.

The application form to be completed and signed by each potential client indicates that he or she will be charged a fee for public defender services. Although the form includes a copy of the fee schedule adopted by the PDC, this schedule was not consistently followed.

Section 600.090, RSMo Cumulative Supp. 2003, requires a lien to be sought in every case where the court system routinely grants them. The lien obligates the client to pay a fee as outlined in the fee schedule on the application form. OSPD policy states that a promissory note is to be used in court systems that do not routinely grant lien judgments.

Failure to seek liens or promissory notes in accordance with the PDC fee schedule results in lost revenue and non-compliance with state law and PDC policy. In addition, by not filing liens or obtaining promissory notes for all charges, the OSPD cannot ensure equitable assessment of fees to all clients.

WE RECOMMEND the OSPD ensure:

- A. Liens are sought in all cases represented by a public defender in courts that routinely grant them. In addition, in courts where liens are not routinely granted, the OSPD should ensure promissory notes are obtained.
- B. Fees are charged to clients in accordance with the schedule adopted by the PDC.

AUDITEE'S RESPONSE

The State Public Defender stated:

- A. *"The Office of the State Public Defender agrees that, in accordance with statute, liens must be filed or promissory notes sought in all cases where Public Defender services have been provided. Our Departmental Policies will be revised to include a section on filing liens and seeking promissory notes. Attorneys will be trained to understand that each case must have a lien filed or a promissory note must be sought. The Departmental policies will be revised by January 15, 2005."*
- B. *"The Office of the State Public Defender agrees that clients must be assessed with charges that have been adopted by the Public Defender Commission. OSPD will order smaller quantities of the forms which include the amount of fees. Then, when considering future fee adjustments, fewer out-of-date forms will be in supply. In an effort to save monies, older forms with the prior fees were utilized by local offices until their supply was exhausted."*

3. Commission Meeting Minutes

Improvements are needed in the PDC minutes. Formal written minutes are not prepared for closed meetings. In addition, open meeting minutes do not always include sufficient detail regarding reason for moving into closed session and are not signed by the Commission Chairperson.

- A. Formal written minutes are not prepared for closed session commission meetings. Written minutes for closed meetings would result in a better record of commission transactions, proceedings, and decisions, and are necessary to demonstrate compliance with state law.

In addition, effective August 28, 2004, Senate Bills Nos. 1020, 889, & 869, Second Regular Session, 92nd General Assembly, require a journal or minutes of closed meetings of public governmental bodies.

- B. The Commission Chairperson does not sign the commission meeting minutes. At each commission meeting, commissioners review and verbally approve the prior meeting's minutes.

From the State Auditor's Report
on the Public Defender Commission
Dated: December 17, 2004

The minutes should be signed by the Commission Chairperson to provide an attestation that the minutes are a correct record of the matters discussed and action taken during the commission meetings.

WE RECOMMEND the OSPD ensure minutes are:

- A. Prepared for all closed session meetings.
- B. Signed by the Commission Chairperson.

AUDITEE'S RESPONSE

- A. *"Effectively immediately, Public Defender Commission Meeting minutes will be prepared and signed for all closed sessions."*
- B. *"Effective with the March 12, 2004 meeting (approved at the June 2004 meeting), all Public Defender Commission Meeting minutes will be signed by the Commission Chairperson or the next higher officer in attendance."*

Office of the State Public Defender

DECISION ITEM RANKING

Budgeting Unit	Rank	FY 2008	FY 2008	FY 2008	FY 2008	CUMULATIVE TOTAL	
Decision Item		DEPT REQ	DEPT REQ	GOV REC	GOV REC	DOLLARS	FTE
Fund		DOLLAR	FTE	DOLLAR	FTE		
OFFICE OF THE DIRECTOR							
CORE	001						
GENERAL REVENUE		28,096,320	558.13	28,096,320	558.13	28,096,320	558.13
TOTAL		28,096,320	558.13	28,096,320	558.13		
GRANTS							
CORE	001						
PUBLIC DEFENDER-FEDERAL & OTHR		125,000	0.00	125,000	0.00	28,221,320	558.13
TOTAL		125,000	0.00	125,000	0.00		
LEGAL DEFENSE & DEFENDER FUND							
CORE	001						
LEGAL DEFENSE AND DEFENDER		1,972,829	2.00	1,972,829	2.00	30,194,149	560.13
TOTAL		1,972,829	2.00	1,972,829	2.00		
EXTRAORDINARY EXPENSE/CONFLIC							
CORE	001						
GENERAL REVENUE		2,241,502	0.00	2,241,502	0.00	32,435,651	560.13
TOTAL		2,241,502	0.00	2,241,502	0.00		
DEBT OFFSET ESCROW FUND							
CORE	001						
DEBT OFFSET ESCROW		350,000	0.00	350,000	0.00	32,785,651	560.13
TOTAL		350,000	0.00	350,000	0.00		
OFFICE OF THE DIRECTOR							
GENERAL STRUCTURE ADJUSTMENT - 0000012	002						
GENERAL REVENUE		0	0.00	745,775	0.00	33,531,426	560.13
TOTAL		0	0.00	745,775	0.00		
LEGAL DEFENSE & DEFENDER FUND							
GENERAL STRUCTURE ADJUSTMENT - 0000012	002						
LEGAL DEFENSE AND DEFENDER		0	0.00	3,662	0.00	33,535,088	560.13
TOTAL		0	0.00	3,662	0.00		
OFFICE OF THE DIRECTOR							
Trial Division Caseload Inc. - 1151001	005						

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Office of the State Public Defender
DECISION ITEM RANKING

Budgeting Unit	Rank	FY 2008 DEPT REQ DOLLAR	FY 2008 DEPT REQ FTE	FY 2008 GOV REC DOLLAR	FY 2008 GOV REC FTE	CUMULATIVE TOTAL	
Decision Item Fund						DOLLARS	FTE
OFFICE OF THE DIRECTOR							
Trial Division Caseload Inc. - 1151001	005						
GENERAL REVENUE		8,349,703	156.50	0	0.00	33,535,088	560.13
TOTAL		8,349,703	156.50	0	0.00		
Appellate Division Caseload In - 1151002	005						
GENERAL REVENUE		469,219	8.75	0	0.00	33,535,088	560.13
TOTAL		469,219	8.75	0	0.00		
Pilot-Pay for Performance - 1151003	005						
GENERAL REVENUE		800,498	0.00	0	0.00	33,535,088	560.13
TOTAL		800,498	0.00	0	0.00		
Retention Crisis, APD I-III - 1151004	005						
GENERAL REVENUE		1,347,976	0.00	0	0.00	33,535,088	560.13
TOTAL		1,347,976	0.00	0	0.00		
Retention Crisis - APD IV - 1151005	005						
GENERAL REVENUE		299,633	0.00	0	0.00	33,535,088	560.13
TOTAL		299,633	0.00	0	0.00		
District Defender Salaries - 1151006	006						
GENERAL REVENUE		1,380,077	0.00	0	0.00	33,535,088	560.13
TOTAL		1,380,077	0.00	0	0.00		
Legal Assistance Alternative - 1151007	007						
GENERAL REVENUE		2,032,058	49.00	0	0.00	33,535,088	560.13
TOTAL		2,032,058	49.00	0	0.00		
Restoration of E & E Core - 1151008	008						
GENERAL REVENUE		2,487,350	0.00	447,009	0.00	33,982,097	560.13
TOTAL		2,487,350	0.00	447,009	0.00		
EXTRAORDINARY EXPENSE/CONFLIC							
Excessive Caseload Approp. - 1151009	009						
GENERAL REVENUE		10,334,000	0.00	0	0.00	33,982,097	560.13
TOTAL		10,334,000	0.00	0	0.00		

Office of the State Public Defender

DECISION ITEM RANKING

Budgeting Unit			FY 2008	FY 2008	FY 2008	FY 2008		
Decision Item	Rank		DEPT REQ	DEPT REQ	GOV REC	GOV REC	CUMULATIVE TOTAL	
Fund			DOLLAR	FTE	DOLLAR	FTE	DOLLARS	FTE
OFFICE OF THE DIRECTOR								
Student Loan Relief - 1151010	010							
GENERAL REVENUE			748,440	0.00	0	0.00	33,982,097	560.13
TOTAL			748,440	0.00	0	0.00		
Office Space & Parking - 1151011	011							
GENERAL REVENUE			1,867,761	0.00	0	0.00	33,982,097	560.13
TOTAL			1,867,761	0.00	0	0.00		
LEGAL DEFENSE & DEFENDER FUND								
Increased LDDF Ceiling - 1151012	012							
LEGAL DEFENSE AND DEFENDER			1,000,000	0.00	1,000,000	0.00	34,982,097	560.13
TOTAL			1,000,000	0.00	1,000,000	0.00		
GRAND TOTAL			\$63,902,366	774.38	\$34,982,097	560.13		

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit									
Decision Item	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008	
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC	
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	
OFFICE OF THE DIRECTOR									
CORE									
PERSONAL SERVICES									
GENERAL REVENUE	22,711,058	555.90	24,859,129	558.13	24,859,129	558.13	24,859,129	558.13	
TOTAL - PS	22,711,058	555.90	24,859,129	558.13	24,859,129	558.13	24,859,129	558.13	
EXPENSE & EQUIPMENT									
GENERAL REVENUE	3,510,717	0.00	3,237,191	0.00	3,237,191	0.00	3,237,191	0.00	
TOTAL - EE	3,510,717	0.00	3,237,191	0.00	3,237,191	0.00	3,237,191	0.00	
TOTAL	26,221,775	555.90	28,096,320	558.13	28,096,320	558.13	28,096,320	558.13	
GENERAL STRUCTURE ADJUSTMENT - 0000012									
PERSONAL SERVICES									
GENERAL REVENUE	0	0.00	0	0.00	0	0.00	745,775	0.00	
TOTAL - PS	0	0.00	0	0.00	0	0.00	745,775	0.00	
TOTAL	0	0.00	0	0.00	0	0.00	745,775	0.00	
Trial Division Caseload Inc. - 1151001									
PERSONAL SERVICES									
GENERAL REVENUE	0	0.00	0	0.00	6,097,518	156.50	0	0.00	
TOTAL - PS	0	0.00	0	0.00	6,097,518	156.50	0	0.00	
EXPENSE & EQUIPMENT									
GENERAL REVENUE	0	0.00	0	0.00	2,252,185	0.00	0	0.00	
TOTAL - EE	0	0.00	0	0.00	2,252,185	0.00	0	0.00	
TOTAL	0	0.00	0	0.00	8,349,703	156.50	0	0.00	
Appellate Division Caseload In - 1151002									
PERSONAL SERVICES									
GENERAL REVENUE	0	0.00	0	0.00	342,489	8.75	0	0.00	
TOTAL - PS	0	0.00	0	0.00	342,489	8.75	0	0.00	
EXPENSE & EQUIPMENT									
GENERAL REVENUE	0	0.00	0	0.00	126,730	0.00	0	0.00	
TOTAL - EE	0	0.00	0	0.00	126,730	0.00	0	0.00	
TOTAL	0	0.00	0	0.00	469,219	8.75	0	0.00	

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Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit									
Decision Item	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008	
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC	
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	
OFFICE OF THE DIRECTOR									
Pilot-Pay for Performance - 1151003									
PERSONAL SERVICES									
GENERAL REVENUE	0	0.00	0	0.00	800,498	0.00	0	0.00	
TOTAL - PS	0	0.00	0	0.00	800,498	0.00	0	0.00	
TOTAL	0	0.00	0	0.00	800,498	0.00	0	0.00	
Retention Crisis, APD I-III - 1151004									
PERSONAL SERVICES									
GENERAL REVENUE	0	0.00	0	0.00	1,347,976	0.00	0	0.00	
TOTAL - PS	0	0.00	0	0.00	1,347,976	0.00	0	0.00	
TOTAL	0	0.00	0	0.00	1,347,976	0.00	0	0.00	
Retention Crisis - APD IV - 1151005									
PERSONAL SERVICES									
GENERAL REVENUE	0	0.00	0	0.00	299,633	0.00	0	0.00	
TOTAL - PS	0	0.00	0	0.00	299,633	0.00	0	0.00	
TOTAL	0	0.00	0	0.00	299,633	0.00	0	0.00	
District Defender Salaries - 1151006									
PERSONAL SERVICES									
GENERAL REVENUE	0	0.00	0	0.00	1,380,077	0.00	0	0.00	
TOTAL - PS	0	0.00	0	0.00	1,380,077	0.00	0	0.00	
TOTAL	0	0.00	0	0.00	1,380,077	0.00	0	0.00	
Legal Assistance Alternative - 1151007									
PERSONAL SERVICES									
GENERAL REVENUE	0	0.00	0	0.00	1,329,468	49.00	0	0.00	
TOTAL - PS	0	0.00	0	0.00	1,329,468	49.00	0	0.00	

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Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Legal Assistance Alternative - 1151007								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	702,590	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	702,590	0.00	0	0.00
TOTAL	0	0.00	0	0.00	2,032,058	49.00	0	0.00
Restoration of E & E Core - 1151008								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	2,487,350	0.00	447,009	0.00
TOTAL - EE	0	0.00	0	0.00	2,487,350	0.00	447,009	0.00
TOTAL	0	0.00	0	0.00	2,487,350	0.00	447,009	0.00
Student Loan Relief - 1151010								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	748,440	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	748,440	0.00	0	0.00
TOTAL	0	0.00	0	0.00	748,440	0.00	0	0.00
Office Space & Parking - 1151011								
EXPENSE & EQUIPMENT								
GENERAL REVENUE	0	0.00	0	0.00	1,867,761	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	1,867,761	0.00	0	0.00
TOTAL	0	0.00	0	0.00	1,867,761	0.00	0	0.00
GRAND TOTAL	\$26,221,775	555.90	\$28,096,320	558.13	\$47,879,035	772.38	\$29,289,104	558.13

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CORE DECISION ITEM

Department: Office of the State Public Defender

Division : Legal Services

Core: Legal Services - Core Request

1. CORE FINANCIAL SUMMARY

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	24,859,129	0	0	24,859,129
EE	3,237,191	0	0	3,237,191
PSD	0	0	0	0
TRF	0	0	0	0
Total	28,096,320	0	0	28,096,320
FTE	558.13	0.00	0.00	558.13

Est. Fringe	12,171,030	0	0	12,171,030
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	24,859,129	0	0	24,859,129
EE	3,237,191	0	0	3,237,191
PSD	0	0	0	0
TRF	0	0	0	0
Total	28,096,320	0	0	28,096,320
FTE	558.13	0.00	0.00	558.13

Est. Fringe	12,171,030	0	0	12,171,030
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

This core decision item provides funding for the Office of the State Public Defender. This decision item includes funding for the the assistant public defenders and their support staff throughout the state and central administrative staff. The State Public Defender System was established as "a system for providing defense services to every jurisdiction within the state by a means of a centrally administered organization having a full time staff." Through this department constitutionally required defense services are provided to eligible persons through an organized program capable of responding to the needs of the various jurisdictions within the state in an efficient, cost effective manner.

3. PROGRAM LISTING (list programs included in this core funding)

Representation of Indigent Persons accused of crimes within the State of Missouri.

CORE DECISION ITEM

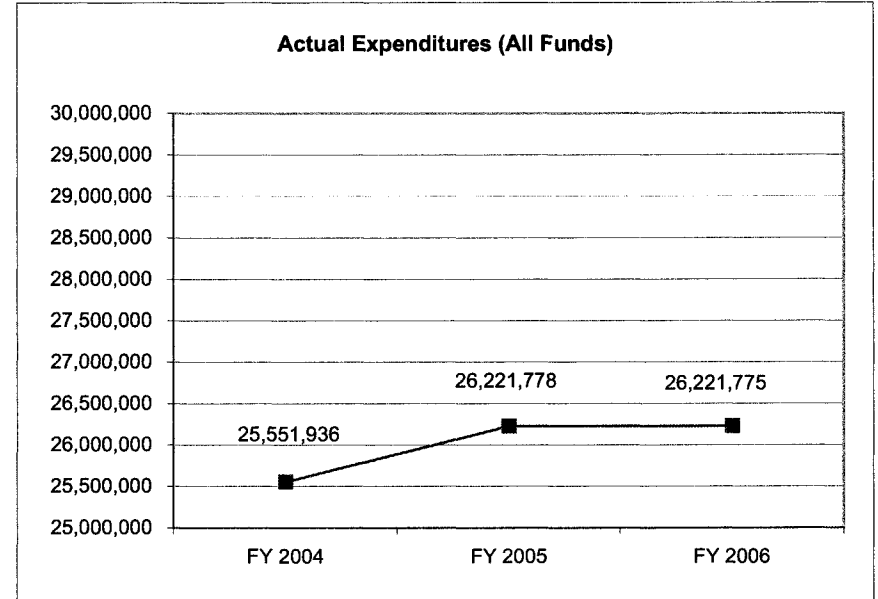
Department: Office of the State Public Defender

Division : Legal Services

Core: Legal Services - Core Request

4. FINANCIAL HISTORY

	FY 2004 Actual	FY 2005 Actual	FY 2006 Actual	FY 2007 Current Yr.
Appropriation (All Funds)	25,552,024	26,221,780	26,221,775	28,096,320
Less Reverted (All Funds)	0	0	0	N/A
Budget Authority (All Funds)	25,552,024	26,221,780	26,221,775	N/A
Actual Expenditures (All Funds)	25,551,936	26,221,778	26,221,775	N/A
Unexpended (All Funds)	88	2	0	N/A
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary withholdings.

NOTES:

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
CORE								
TEMPORARY EMPLOYEE	41,712	1.99	0	0.00	0	0.00	0	0.00
SECRETARY	2,548,244	107.90	2,712,864	108.25	2,712,864	108.25	2,712,864	108.25
COMPUTER INFO. SPECIALIST	297,958	6.94	303,879	6.75	303,879	6.75	303,879	6.75
INVESTIGATOR	1,913,259	58.64	2,117,952	65.13	2,117,952	65.13	2,117,952	65.13
PARALEGAL	49,103	1.85	0	0.00	0	0.00	0	0.00
ALTERNATIVE SENTENCING SPEC	628,814	17.61	649,796	17.50	649,796	17.50	649,796	17.50
LAW CLERK	58,056	2.24	0	0.00	0	0.00	0	0.00
ASSISTANT PUBLIC DEFENDER	13,413,058	300.65	15,111,738	301.50	15,111,738	301.50	15,111,738	301.50
DISTRICT DEFENDER	2,710,418	43.29	2,862,251	44.00	2,862,251	44.00	2,862,251	44.00
DIVISION DIRECTOR	547,386	5.96	567,179	6.00	567,179	6.00	567,179	6.00
PROGRAM TECHNICIAN	96,802	2.87	106,292	3.00	106,292	3.00	106,292	3.00
PROGRAM MANAGER	302,748	5.00	314,858	5.00	314,858	5.00	314,858	5.00
DIRECTOR	103,500	0.96	112,320	1.00	112,320	1.00	112,320	1.00
TOTAL - PS	22,711,058	555.90	24,859,129	558.13	24,859,129	558.13	24,859,129	558.13
TRAVEL, IN-STATE	790,399	0.00	805,492	0.00	805,492	0.00	805,492	0.00
TRAVEL, OUT-OF-STATE	10,479	0.00	22,378	0.00	22,378	0.00	22,378	0.00
FUEL & UTILITIES	44,142	0.00	26,739	0.00	26,739	0.00	26,739	0.00
SUPPLIES	282,089	0.00	211,675	0.00	211,675	0.00	211,675	0.00
PROFESSIONAL DEVELOPMENT	75,559	0.00	3,975	0.00	3,975	0.00	3,975	0.00
COMMUNICATION SERV & SUPP	335,949	0.00	674,958	0.00	674,958	0.00	674,958	0.00
PROFESSIONAL SERVICES	1,103,822	0.00	829,820	0.00	829,820	0.00	829,820	0.00
JANITORIAL SERVICES	72,987	0.00	58,827	0.00	58,827	0.00	58,827	0.00
M&R SERVICES	257,326	0.00	154,103	0.00	154,103	0.00	154,103	0.00
COMPUTER EQUIPMENT	18,253	0.00	0	0.00	0	0.00	0	0.00
OFFICE EQUIPMENT	33,329	0.00	0	0.00	0	0.00	0	0.00
OTHER EQUIPMENT	13,430	0.00	0	0.00	0	0.00	0	0.00
REAL PROPERTY RENTALS & LEASES	434,942	0.00	449,224	0.00	449,224	0.00	449,224	0.00
EQUIPMENT RENTALS & LEASES	15,339	0.00	0	0.00	0	0.00	0	0.00

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
CORE								
MISCELLANEOUS EXPENSES	22,672	0.00	0	0.00	0	0.00	0	0.00
TOTAL - EE	3,510,717	0.00	3,237,191	0.00	3,237,191	0.00	3,237,191	0.00
GRAND TOTAL	\$26,221,775	555.90	\$28,096,320	558.13	\$28,096,320	558.13	\$28,096,320	558.13
GENERAL REVENUE	\$26,221,775	555.90	\$28,096,320	558.13	\$28,096,320	558.13	\$28,096,320	558.13
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

FLEXIBILITY REQUEST FORM

BUDGET UNIT NUMBER: 115100	DEPARTMENT: Office of the State Public Defender
BUDGET UNIT NAME: Legal Services Core Request	DIVISION: Legal Services

1. Provide the amount by fund of personal service flexibility and the amount by fund of expense and equipment flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed. If flexibility is being requested among divisions, provide the amount by fund of flexibility you are requesting in dollar and percentage terms and explain why the flexibility is needed.

The Office of the State Public is requesting full flexibility in our legal services appropriations. (Appropriations 0911 and 0912) Due to the high turnover of attorney posiitons, it is frequently necessary to transfer cases from state employees (Appropriation 0911) to private counsel who can be compensated from appropriation 0912. Another reason for the need to transfer from Personal Service to Expense & Equipment is to cover routine office expenses such as travel, postage and equipment maintenance, as the expense & equipment appropriation was cut in Fiscal Year 2004 by \$2,487,400.

DEPARTMENT REQUEST					GOVERNOR RECOMMENDATION				
Section	PS or E&E	Core	% Flex Requested	Flex Request Amount	Section	PS or E&E	Core	% Flex Gov Rec	Flex Gov Rec Amount
911	PS	\$24,859,129	100%	\$24,859,129		PS			\$0
912	E&E	<u>\$3,237,191</u>	<u>100%</u>	<u>\$3,237,191</u>		E&E			<u>\$0</u>
<i>Total Request</i>		\$28,096,320		\$0	<i>Total Gov. Rec.</i>		\$0		\$0

FLEXIBILITY REQUEST FORM

BUDGET UNIT NUMBER: 115100	DEPARTMENT: Office of the State Public Defender
BUDGET UNIT NAME: Legal Services Core Request	DIVISION: Legal Services

2. Estimate how much flexibility will be used for the budget year. How much flexibility was used in the Prior Year Budget and the Current Year Budget? Please specify the amount.

PRIOR YEAR ACTUAL AMOUNT OF FLEXIBILITY USED	CURRENT YEAR ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED	BUDGET REQUEST ESTIMATED AMOUNT OF FLEXIBILITY THAT WILL BE USED
Transferred \$273,530 from 0911 - Personal Service to 0912 - Expense and Equipment	The Office of the State Public Defender is projecting approximately the same Amount of Transfer as the prior year - \$350,000.	The Office of the State Public Defender is projecting approximately the same Amount of Transfer as the prior year - \$350,000.

3. Was flexibility approved in the Prior Year Budget or the Current Year Budget? If so, how was the flexibility used during those years?

PRIOR YEAR EXPLAIN ACTUAL USE	CURRENT YEAR EXPLAIN PLANNED USE
Yes. - Transferred from PS to Expense and Equipment to meet costs	Transfers from Personal Service to Expense and Equipment due to high turnover of attorney employees and high caseload.

NEW DECISION ITEM
RANK: 2 OF 12

Department: Office of the State Public Defender
Division: Legal Services
DI Name: General Structure Adjustment **DI#**

1. AMOUNT OF REQUEST

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	745,775	0	0	745,775
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	745,775	0	0	745,775
FTE	0.00	0.00	0.00	0.00

Est. Fringe	365,131	0	0	365,131
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

Governor's Pay Plan Recommendations.

NEW DECISION ITEM
RANK: 2 OF 12

Department: Office of the State Public Defender											
Division: Legal Services											
DI Name: General Structure Adjustment										DI#	
<p>4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)</p> <p style="text-align: center;">3% of Total Public Defender Personal Service Appropriation</p>											
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.											
Budget Object Class	Job Class	Dept Req GR	Dept Req FED	Dept Req OTHER	Dept Req TOTAL	Dept Req One-Times	Gov Rec GR	Gov Rec FED	Gov Rec OTHER	Gov Rec TOTAL	Gov Rec One-Times
Salaries/Wages					0		745,775			745,775	
Total PS		0	0	0	0	0	745,775	0	0	745,775	0
Total FTE					0.0					0.0	
					0					0	
					0					0	
Total EE		0	0	0	0	0	0	0	0	0	0
Program Distributions					0					0	
Total PSD		0	0	0	0	0	0	0	0	0	0
Transfers		0	0	0	0		0	0	0	0	
Total TRF		0	0	0	0	0	0	0	0	0	0
Grand Total		0	0	0	0	0	745,775	0	0	745,775	0

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
GENERAL STRUCTURE ADJUSTMENT - 0000012								
SECRETARY	0	0.00	0	0.00	0	0.00	81,386	0.00
COMPUTER INFO. SPECIALIST	0	0.00	0	0.00	0	0.00	9,116	0.00
INVESTIGATOR	0	0.00	0	0.00	0	0.00	63,539	0.00
ALTERNATIVE SENTENCING SPEC	0	0.00	0	0.00	0	0.00	19,494	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	0	0.00	453,352	0.00
DISTRICT DEFENDER	0	0.00	0	0.00	0	0.00	85,868	0.00
DIVISION DIRECTOR	0	0.00	0	0.00	0	0.00	17,015	0.00
PROGRAM TECHNICIAN	0	0.00	0	0.00	0	0.00	3,189	0.00
PROGRAM MANAGER	0	0.00	0	0.00	0	0.00	9,446	0.00
DIRECTOR	0	0.00	0	0.00	0	0.00	3,370	0.00
TOTAL - PS	0	0.00	0	0.00	0	0.00	745,775	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$745,775	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00	\$745,775	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

**TRIAL DIVISION
CASELOAD INCREASE**

NEW DECISION ITEM
RANK: 2 OF 12

Department: Office of the State Public Defender	Budget Unit <u>1510000C</u>
Division: Legal Services	
DI Name: Increased Caseload - Trial Division	DI# <u>1151001</u>

1. AMOUNT OF REQUEST

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	6,097,518	0	0	6,097,518
EE	2,252,185	0	0	2,252,185
PSD	0	0	0	0
TRF	0	0	0	0
Total	8,349,703	0	0	8,349,703
FTE	156.50	0.00	0.00	156.50

Est. Fringe	2,985,345	0	0	2,985,345
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

Est. Fringe				
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input checked="" type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input checked="" type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

The Missouri State Public Defender System has had no addition to its staff in six years while its caseload has risen by over 12,000 cases. According to an independent assessment by the Spangenberg Group in October, 2005, the Missouri State Public Defender System is operating in crisis mode and "the probability that public defenders are failing to provide effective assistance of counsel and are violating their ethical obligations to their clients increases every day."

Unlike every other state agency, MSPD only does one thing and that one thing is constitutionally mandated. **MSPD has no mechanism with which to control or reduce its workload to correspond with its staffing levels, short of refusing cases** and throwing the state of Missouri into federal court for constitutionally violating the right of indigent clients to effective assistance of counsel.

NEW DECISION ITEM
RANK: 2 OF 12

Department: Office of the State Public Defender

Budget Unit 1510000C

Division: Legal Services

DI Name: Increased Caseload - Trial Division

DI# 1151001

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

An American Bar Association Opinion issued on July 6th, 2006 reiterates that Public Defenders are as obligated as any other attorney under their ethical and professional obligations to refuse cases when caseloads become too high for them to adequately handle the workload and to provide adequate representation. In Missouri, there is currently no back-up plan in place for provision of counsel, should the public defenders have to refuse cases in accordance with their ethical and professional obligations not to take on more cases than they can effectively handle.

This decision item will only provide funding at the FY2006 caseload level and does not include any request for projections of the FY2008 caseload. Straight-line projection over the last 20+ years would indicate a probable caseload growth to over 99,000 cases. However, over the last two years, caseload growth has been slower. Therefore, for the purpose of this budget request, we are asking only for what is absolutely essential to handle cases we already have

In December of 2000, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, published the "Compendium of Standards for Indigent Defense Systems". The Compendium brings together standards from a wide variety of sources. It shows the different ways in which practice and procedures are addressed. It also addresses: administration of defense systems, attorney performance, capital case representation, appellate services, and juvenile justice defense. Also included in this Compendium is the Department of Justice's National Advisory Commission on Criminal Justice Standards and Goals report setting out the **maximum recommended caseloads for public defenders.**

NAC Standard 13.12. Workload of Public Defenders

The caseload of a public defender office should not exceed the following:

Caseload of attorneys per year:

Felonies—Not more than 150

Misdemeanors—Not more than 400

Juvenile Cases—Not more than 200

Mental Health Cases— Not more than 200;

Appeals per attorney per year: Not more than 25.

NEW DECISION ITEM
RANK: 2 OF 12

Department: Office of the State Public Defender

Budget Unit 1510000C

Division: Legal Services

DI Name: Increased Caseload - Trial Division

DI# 1151001

During the summer of 2006, MSPD obtained bids on the cost of having an outside consultant conduct a workload study of Missouri public defender practice in order to definitively determine the number of cases a Missouri public defender could be expected to handle before effectiveness became constitutionally compromised. The bids ranged from just under \$40,000 for the MU Institute of Public Policy up to \$135,000 for the National Center for State Courts. Consultation with Senate Leadership and members of the Senate Interim Committee on the Public Defender, resulted in the recommendation that MSPD simply utilize the already-existing national caseload standard rather than expend additional state funds to conduct its own study. In accordance with that recommendation, MSPD has utilized herein the public defender caseload standard developed by the Department of Justice's National Advisory Commission on Criminal Justice Standards and Goals. This standard has served as the basis for most other state public defender caseload caps [See the Compendium of Standards for Indigent Defense Systems] and was cited by the ABA in its July, 2006 ethical advisory opinion as a guide for public defenders in determining the point at which they are ethically and professionally obligated to refuse additional cases due to case overload.

The actual number of new cases assigned to the State Pubic Defender's Trial Division was 86,368 in Fiscal Year 2006. Using the NAC standards shown above the required number of trial division attorneys to effectively provide representation is 394. The trial division currently has 292 attorney FTE allocated. Therefore, this decision item requests the 102 additional attorneys to staff the trial division at the NAC recommended staffing levels.

These calculations presume no reduction in MSPD caseload. If the legislature should decide to adopt some of the ideas now being explored by the Senate Interim Committee concerning reclassifying traffic or largely collections type cases as infractions to eliminate the constitutional requirement of counsel or if the legislature should decide to move to a system where all misdemeanor cases are handled by private attorney appointments, these numbers would go down accordingly.

NEW DECISION ITEM
RANK: 2 OF 12

Department: Office of the State Public Defender

Budget Unit 1510000C

Division: Legal Services

DI Name: Increased Caseload - Trial Division

DI# 1151001

NAC/ABA Standard to FY2006 Trial Division Caseload				
Type Code	Description	Cases Opened	NAC/ABA Standard	Number of Attorneys
15	Homicide - Non Capital	250	12	21
62	Sexually Violent Predator*	38	10	4
30	Felonies	34,902	150	233
40	Misdemeanor	17,855	400	45
	Traffic **	10,316	400	26
50	Juvenile	3,642	200	18
65	Probation Violation	19,365	400	48
		86,368		
				394
	FY2007 - Public Defender Trial Division Attorneys			292
	Number of Additional Attorneys Required to meet Standard			102

*Sexually Violent Predator caseloads have not been evaluated by the NAC/ABA.

The standard was developed internally by MSPD, based upon the complexity of the litigation involved.

** "Traffic" and "Misdemeanor" cases are both case types 40. For the purposes of this analysis, traffic cases were separated using charge codes.

NEW DECISION ITEM
RANK: 2 OF 12

Department: Office of the State Public Defender				Budget Unit 1510000C					
Division: Legal Services									
DI Name: Increased Caseload - Trial Division				DI# 1151001					
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
	Dept Req		Dept Req		Dept Req	Dept Req	Dept Req	Dept Req	Dept Req
	GR	Dept Req	FED	FED	OTHER	OTHER	TOTAL	TOTAL	One-Time
Budget Object Class/Job Class	DOLLARS	GR	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE
0400 - Assistant Public Defender	4,720,968	102.00	0	0	0	0	4,720,968	102.00	
0300 - Paralegal/Investigator	916,776	34.00	0	0	0	0	916,776	34.00	
0200 - Clerk III	459,774	20.50	0	0	0	0	459,774	20.50	
							0	0.0	
							0	0.0	
Total PS	6,097,518	156.50	0	0.0	0	0.0	6,097,518	156.50	0
140 - Travel - In State	816,000						816,000		
190 - Supplies	80,525						80,525		
340 - Communications	183,700						183,700		
580 - Office Equipment	318,260						318,260		318,260
590 - Other Equipment	556,350						556,350		556,350
680 - Building Leases	297,350						297,350		
							0		
Total EE	2,252,185		0		0		2,252,185		874,610
Program Distributions	0		0		0		0		0
Total PSD	0		0		0		0		0
Transfers	0		0		0		0		0
Total TRF	0		0		0		0		0
Grand Total	8,349,703	156.50	0	0.0	0	0.0	8,349,703	156.5	874,610

NEW DECISION ITEM
RANK: 2 OF 12

Department: Office of the State Public Defender

Budget Unit 1510000C

Division: Legal Services

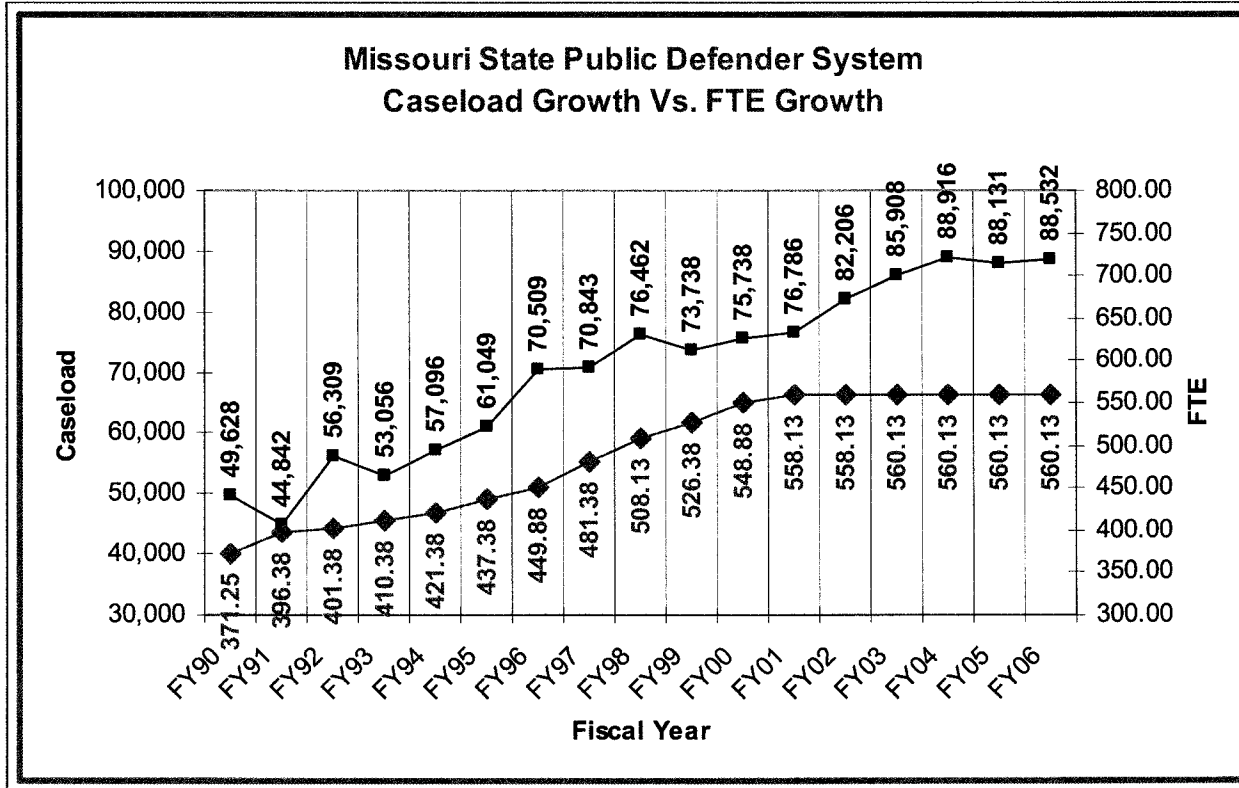
DI Name: Increased Caseload - Trial Division

DI# 1151001

6. PERFORMANCE MEASURES (If new decision item has an associated core, separately identify projected performance with & without additional funding.)

6a. Provide an effectiveness measure.

6b. Provide an efficiency measure.



NEW DECISION ITEM
RANK: 2 OF 12

Department: Office of the State Public Defender

Budget Unit 1510000C

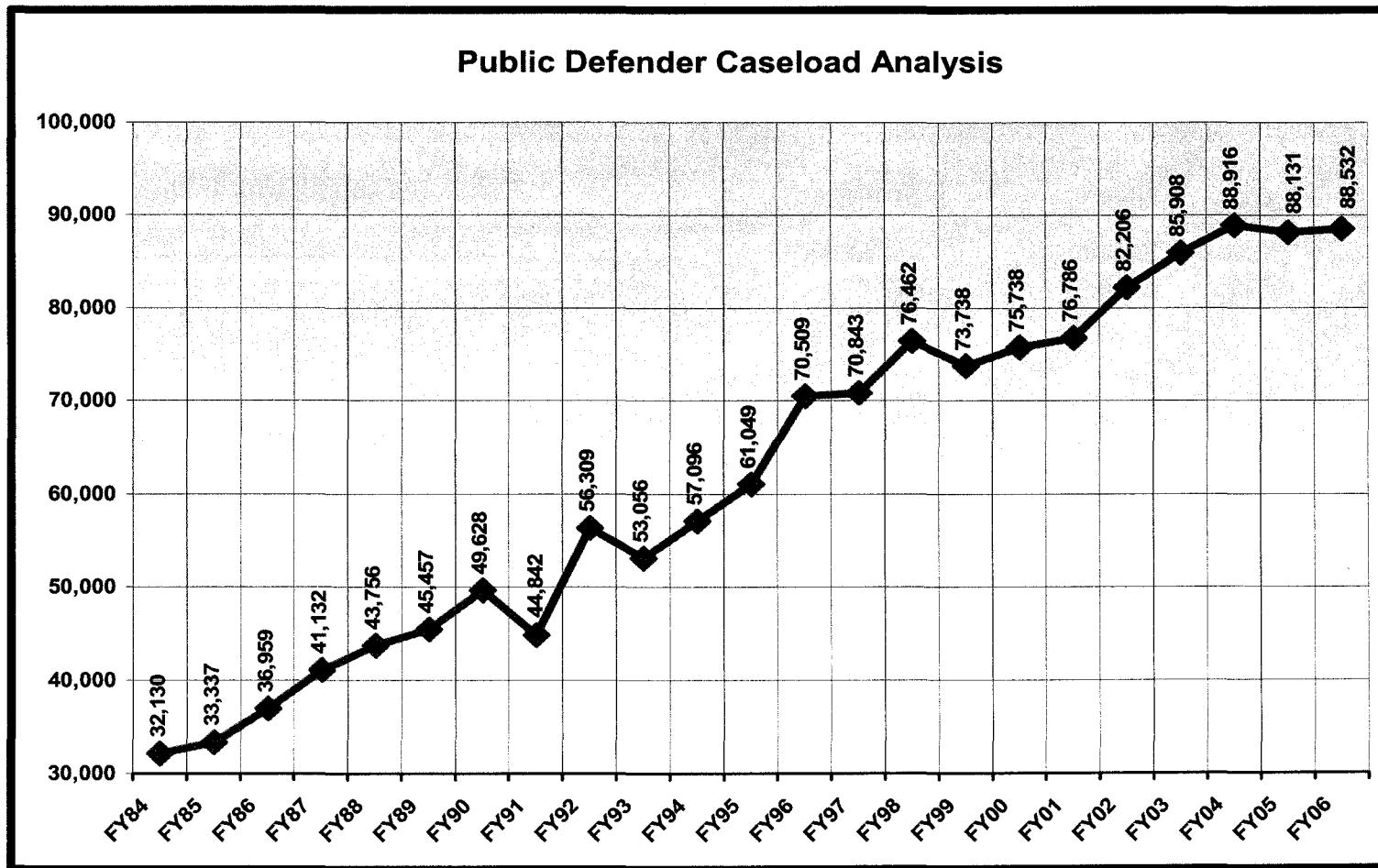
Division: Legal Services

DI Name: Increased Caseload - Trial Division

DI# 1151001

6c. Provide the number of clients/individuals served, if applicable.

6d. Provide a customer satisfaction measure, if available.



NEW DECISION ITEM
RANK: 2 OF 12

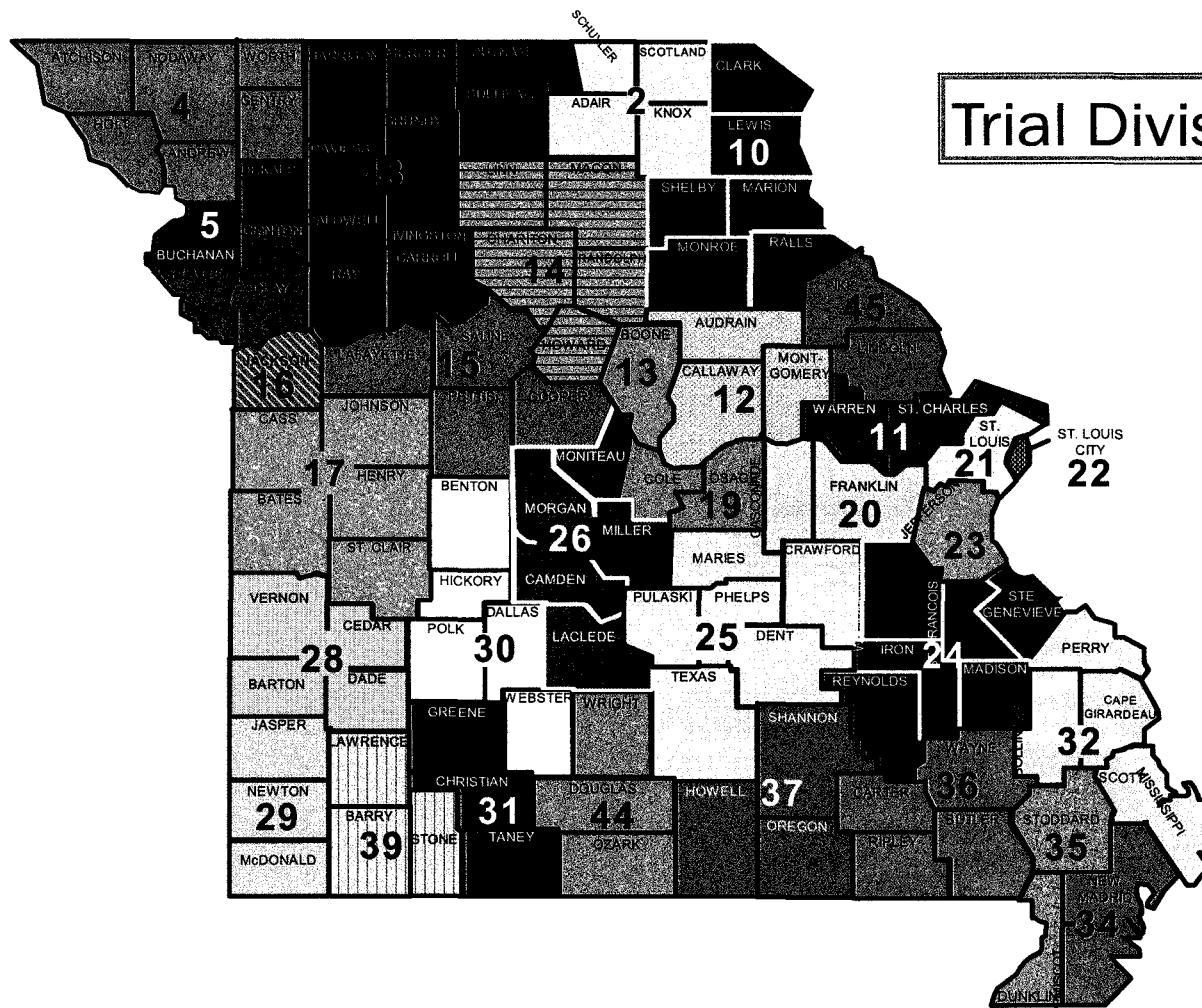
Department: Office of the State Public Defender

Budget Unit 1510000C

Division: Legal Services

DI Name: Increased Caseload - Trial Division

DI# 1151001



NEW DECISION ITEM
RANK: 2 OF 12

Department: Office of the State Public Defender	Budget Unit <u>1510000C</u>
Division: Legal Services	
DI Name: Increased Caseload - Trial Division	DI# <u>1151001</u>

**Trial Division Compliance
with ABA/NAC Standards**

Cost Breakdown

Personal Service

102.00 Assistant Public Defender III	
at Range 30 - \$46,284 per year	\$4,720,968
34.00 Paralegal/Investigator (1 to every 3 attorneys)	
at Range 18 - \$26,964 per year	\$916,776
20.50 Clerk III (1 to every 5 attorneys)	
at Range 12 - \$22,428 per year	<u>\$459,774</u>
Total Personal Service	\$6,097,518

Expense & Equipment

One-time Purchases

Attorneys 102 * \$4,750	\$484,500
Paralegal/Investigator Package 34 * \$4,865	\$165,410
Secretaries 21 * \$10,700	<u>\$224,700</u>
Total One-Time Purchases	\$874,610

On-Going Costs

Attorneys 102 * \$9,600	\$979,200
Paralegal/Investigators 34 * \$9,275	\$315,350
Secretaries 20.50 * \$4,050	<u>\$83,025</u>
Total Personnel Related On-Going Costs	<u>\$1,377,575</u>

Total Expense and Equipment	<u>\$2,252,185</u>
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Total Decision Item Request	\$8,349,703
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NEW DECISION ITEM
RANK: 2 OF 12

Department: Office of the State Public Defender	Budget Unit 1510000C
Division: Legal Services	
DI Name: Increased Caseload - Trial Division	DI# 1151001

Detail for Projections

On Going Costs

Attorney

Travel	
@ \$500 per month	\$6,000
Office	\$500
Rent	\$1,900
Telephone	<u>\$1,200</u>
	\$9,600

Paralegal Investigator

Travel	
@ \$500 per month	\$6,000
Office	\$175
Rent	\$1,900
Telephone	<u>\$1,200</u>
	\$9,275

Secretary

Office	\$1,150
Rent	\$1,900
Telephone	<u>\$1,000</u>
	\$4,050

One Time Equipment Purchases

Attorney

Desk	\$520
Chair	\$175
Side Chair (2)	\$250
Bookcase	\$215
Dictation Unit	\$440
File Cabinet (2)	\$225
Telephone	\$275
Personal Computer	\$2,200
PC Software	<u>\$450</u>
Total	\$4,750

Paralegal/Investigator

Desk	\$540
Chair	\$175
Side Chair (2)	\$250
Camera	\$350
Portable Dictation Unit	\$400
File Cabinet (2)	\$225
Telephone	\$225
Personal Computer	\$2,250
PC Software	<u>\$450</u>

Secretary

Desk	\$540
Chair	\$175
Side Chair (1)	\$125
Calculator	\$60
File Cabinet(2)	\$225
Telephone	\$325
Personal Computer	\$2,250
Printer/Copier/Fax	\$6,550
PC Software	<u>\$450</u>
Total	\$10,700

Staffing Ratios:

Investigators	1 : 3.0 Attorneys
Secretaries	1 : 5.0 Attorneys

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Trial Division Caseload Inc. - 1151001								
SECRETARY	0	0.00	0	0.00	459,774	20.50	0	0.00
INVESTIGATOR	0	0.00	0	0.00	916,776	34.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	4,720,968	102.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	6,097,518	156.50	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	816,000	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	80,525	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	183,700	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	318,260	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	556,350	0.00	0	0.00
REAL PROPERTY RENTALS & LEASES	0	0.00	0	0.00	297,350	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	2,252,185	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$8,349,703	156.50	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$8,349,703	156.50		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender	Budget Unit <u>1510000C</u>
Division: Legal Services	
DI Name: Increased Caseload - Appellate Division	DI# 1151002

1. AMOUNT OF REQUEST

FY 2008 Budget Request					FY 2008 Governor's Recommendation				
	GR	Federal	Other	Total		GR	Fed	Other	Total
PS	342,489	0	0	342,489	PS	0	0	0	0
EE		0	0	126,730	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	342,489	0	0	469,219	Total	0	0	0	0
FTE	8.75	0.00	0.00	8.75	FTE	0.00	0.00	0.00	0.00
Est. Fringe	167,683	0	0	167,683	Est. Fringe				
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds:

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input checked="" type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

The Missouri State Public Defender System has had no addition to its staff in six years while its caseload has risen by over 12,000 cases. According to an independent assessment by the Spangenberg Group in October, 2005, the Missouri State Public Defender System is operating in crisis mode and "the probability that public defenders are failing to provide effective assistance of counsel and are violating their ethical obligations to their clients increases every day."

Unlike every other state agency, MSPD only does one thing and that one thing is constitutionally mandated. **MSPD has no mechanism with which to control to reduce its workload to correspond with its staffing levels, short of refusing cases** and throwing the state of Missouri into federal court for constitutionally violating the of right indigent clients to effective assistance of counsel.

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender

Budget Unit 1510000C

Division: Legal Services

DI Name: Increased Caseload - Appellate Division

DI# 1151002

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

An analysis of the projected FY2008 caseload for the State Public Defender System shows a projected increase to a total of 99,162 assigned cases. Of the 99,162 cases to be assigned, approximately, 1,695 will be trial division cases. Although our caseload projections have been statistically accurate over the past several years, this decision item will provide funding at the FY2006 caseload level, rather than the projected 2008 caseload level. In FY2006, the appellate division opened 1,459 cases.

In December of 2000, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, published the "Compendium of Standards for Indigent Defense Systems". The Compendium brings together standards from a wide variety of sources. It shows the different ways in which practice and procedures are addressed. It also addresses: administration of defense systems, attorney performance, capital case representation, appellate services, and juvenile justice defense. The report of the Task Force on the Courts of National Advisory Commission on Criminal Justice Standards and Goals is included in the Compendium.

NAC Standard 13.12. Workload of Public Defenders

The caseload of a public defender office should not exceed the following:

Caseload of attorneys per year:

Felonies—Not more than 150

Misdemeanors—Not more than 400

Juvenile Cases—not more than 200

Mental Health Cases— not more than 200;

Appeals per attorney per year: not more than 25.

NEW DECISION ITEM
RANK: 5 **OF** 12

Department: Office of the State Public Defender
Division: Legal Services
DI Name: Increased Caseload - Appellate Division **DI#** 1151002

Budget Unit 1510000C

The actual new cases assigned to the State Pubic Defender's Appellate Division was 1,459 in Fiscal Year 2006. Using the NAC standards shown above the required number of trial division attorneys to effectively provide representation is 42. The appellate division currently has 36.50 attorney FTE allocated.

Therefore, this decision item requests the 5.75 additional attorneys to staff the trial division at the NAC recommended staffing levels.

NAC/ABA Standard to FY2006 Appellate Division Caseload				
	Description	Cases Opened	NAC/ABA Standard	Number of Attorneys
	Death Penalty PCR	4	6	1
	Felony Appeals	370	25	15
	PCR Appeals	332	25	13
	PCR 24.035	500	150	3
	PCR 29.15	222	25	9
	Other	31	25	1
		1,459		
				42.20
	FY2007 - Public Defender Trial Division Attorneys			36.50
	Number of Additional Attorneys Required to meet Standard			5.70

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender	Budget Unit <u>1510000C</u>
Division: Legal Services	
DI Name: Increased Caseload - Appellate Division	DI# <u>1151002</u>

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
0400 - Assistant Public Defender	266,133	5.75	0	0	0	0	266,133	5.75	
0300 - Paralegal/Investigator	53,928	2.00	0	0	0	0	53,928	2.00	
0200 - Clerk III	22,428	1.00	0	0	0	0	22,428	1.00	
							0	0.0	
							0	0.0	
Total PS	342,489	8.75	0	0.0	0	0.0	342,489	8.75	0
140 - Travel - In State	46,500						46,500		
190 - Supplies	4,375						4,375		
340 - Communications	10,300						10,300		
580 - Office Equipment	18,380						18,380		18,380
590 - Other Equipment	30,550						30,550		30,550
680 - Building Leases	16,625						16,625		
							0		
Total EE	126,730		0		0		126,730		48,930
Program Distributions	0		0		0		0		0
Total PSD	0		0		0		0		0
Transfers	0		0		0		0		0
Total TRF	0		0		0		0		0
Grand Total	469,219	8.75	0	0.0	0	0.0	469,219	8.8	48,930

NEW DECISION ITEM
RANK: 5 OF 12

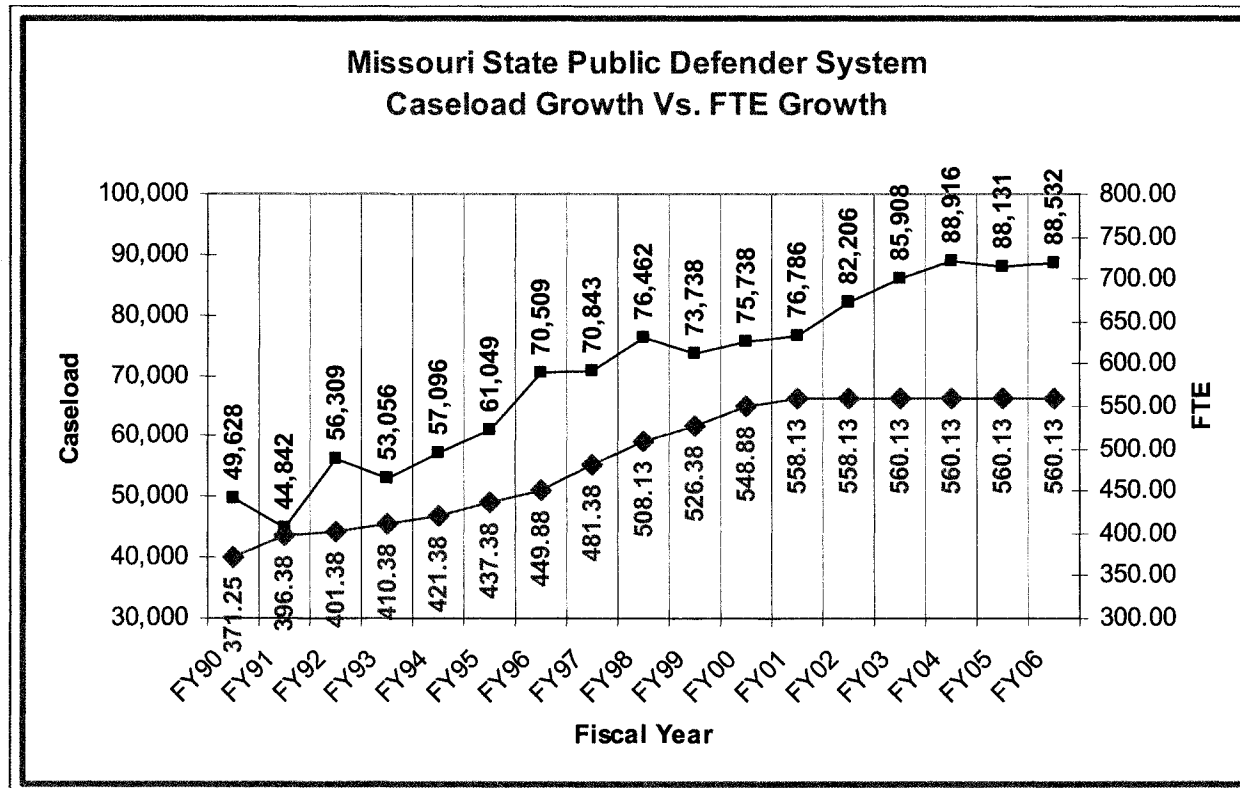
Department: Office of the State Public Defender
Division: Legal Services
DI Name: Increased Caseload - Appellate Division DI# 1151002

Budget Unit 1510000C

6. PERFORMANCE MEASURES (If new decision item has an associated core, separately identify projected performance with & without additional funding.)

6a. Provide an effectiveness measure.

6b. Provide an efficiency measure.



NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender
Division: Legal Services
DI Name: Increased Caseload - Appellate Division DI# 1151002

Budget Unit 1510000C

6c. Provide the number of clients/individuals served, if applicable.

6d. Provide a customer satisfaction measure, if available.

FY2006 APPELLATE DIVISION CASELOAD Cases Opened and Closed							
	Central Columbia		Eastern St. Louis		Western Kansas City		Totals
	Area 50	Area 67	Area 51	Area 68	Area 52	Area 69	
Death PCR							
Opened	3	1	0	0	0	0	4
Closed	3	1	2	0	1	0	7
Felony							
Opened	235	0	44	41	28	22	370
Closed	198	0	42	47	29	19	335
PCR Appeals							
Opened	70	42	71	87	27	35	332
Closed	66	31	76	69	37	31	310
PCR Trials							
Opened	1	284	132	139	80	86	722
Closed	1	318	132	141	97	95	784
Other (DNA, 29.07, 29.13, Rule 87, State's Appeals, 29.27, Writs, CDU, etc.							
Opened	18	4	6	1	2	0	31
Closed	18	4	1	1	2	2	28
Appellate Division							
Opened	327	331	253	268	137	143	1,459
Closed	286	354	253	258	166	147	1,464
Totals							
Opened	658		521		280		1,459
Closed	640		511		313		1,464
	Central Columbia		Eastern St. Louis		Western Kansas City		

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender	Budget Unit <u>1510000C</u>
Division: Legal Services	
DI Name: Increased Caseload - Appellate Division	DI# <u>1151002</u>

**Appellate Division Compliance
with ABA/NAC Standards**

Cost Breakdown

Personal Service

5.75 Assistant Public Defender III at Range 30 - \$46,284 per year	\$266,133
2.00 Paralegal/Investigator at Range 18 - \$26,964 per year	\$53,928
1.00 Clerk III at Range 12 - \$22,428 per year	<u>\$22,428</u>
Total Personal Service	\$342,489

Expense & Equipment

One-time Purchases

Attorneys 6 * \$4,750	\$28,500
Paralegal/Investigator Package 2 * \$4,865	\$9,730
Secretaries 1 * \$10,700	<u>\$10,700</u>
Total One-Time Purchases	\$48,930

On-Going Costs

Attorneys 5.75 * \$9,600	\$55,200
Paralegal/Investigators 2.00 * \$9,275	\$18,550
Secretaries 4.50 * \$4,050	<u>\$4,050</u>
Total Personnel Related On-Going Costs	<u>\$77,800</u>

Total Expense and Equipment	<u>\$126,730</u>
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Total Decision Item Request	\$469,219
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Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Appellate Division Caseload In - 1151002								
SECRETARY	0	0.00	0	0.00	22,428	1.00	0	0.00
INVESTIGATOR	0	0.00	0	0.00	53,928	2.00	0	0.00
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	266,133	5.75	0	0.00
TOTAL - PS	0	0.00	0	0.00	342,489	8.75	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	46,500	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	4,375	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	10,300	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	18,380	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	30,550	0.00	0	0.00
REAL PROPERTY RENTALS & LEASES	0	0.00	0	0.00	16,625	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	126,730	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$469,219	8.75	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$469,219	8.75		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender	
Division: Legal Services Division	
DI Name: Pilot Program - Pay for Performance - Attorneys Only	DI#: 1151003

1. AMOUNT OF REQUEST

FY 2008 Budget Request				
	GR	Federal	Other	Total
PS	800,498	0	0	800,498
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	800,498	0	0	800,498

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	391,924	0	0	391,924
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

FY 2008 Governor's Recommendation				
	GR	Fed	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE	0.00	0.00	0.00	0.00
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Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<p><input checked="" type="checkbox"/> New Legislation</p> <p><input type="checkbox"/> Federal Mandate</p> <p><input type="checkbox"/> GR Pick-Up</p> <p><input checked="" type="checkbox"/> Pay Plan</p>	<p><input type="checkbox"/> New Program</p> <p><input type="checkbox"/> Program Expansion</p> <p><input type="checkbox"/> Space Request</p> <p><input checked="" type="checkbox"/> Other: Salary Adjustments based on performance for critical employees</p>	<p><input type="checkbox"/> Fund Switch</p> <p><input type="checkbox"/> Cost to Continue</p> <p><input type="checkbox"/> Equipment Replacement</p>
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NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender

Division: Legal Services Division

DI Name: Pilot Program - Pay for Performance - Attorneys Only

DI#: 1151003

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

The FY07 critical class repositioning of attorney positions was a necessary step toward addressing the low pay of assistant public defenders. It still isn't enough. Additional progress must be made in order for the Missouri State Public Defender System to compete with other public and private employers seeking Missouri-licensed attorneys.

MSPD is able to provide its attorneys with challenging, rewarding work. These attorneys need an income that will allow them to provide for their families and pay off student loans. The State of Missouri must continue to address the pay inequities of assistant public defender salaries. This will enhance our ability to retain a talented, trained attorney staff.

Efforts to implement a performance-based component of the pay plan are strongly supported by MSPD. Within-grade salary advancements based on employee performance will provide an opportunity to recognize exceptional performance. Under our Employee Performance Planning and Appraisal System, a five-level rating scale is defined for evaluating performance. The rating categories include: outstanding, highly successful, successful, improvement expected, and unsatisfactory. A successful employee is defined as a good performer, performing on a level expected of a trained, experienced, successful employee. Highly successful defines very good performance that exceeds expectations, but not to the extent that it would be considered rare or unusual. Outstanding performance far exceeds expectations. It represents a level of performance that is rare and unusual.

While recognizing that there will always be and should always be a certain amount of attorney turnover, there has to be a core group of career experienced public defenders, to train and mentor new attorneys and to provide representation in the most complex cases. In recognition of this need, we propose a new level of Assistant Public Defenders, APD V, restricted to a small percentage of outstanding performers.

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender
Division: Legal Services Division
DI Name: Pilot Program - Pay for Performance - Attorneys Only

DI#: 1151003

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Pay for performance provide salary increases within an employee's assigned range. Pay for performance will assist in reducing the bottleneck at the beginning of each range. As an employee's work is evaluated, they can move up steps within their range based on their overall evaluation rating. This is not a substitute for repositioning, but rather should work with repositioning to assure fair and equitable salaries.

It is estimated that the following percentages would represent the Public Defender attorney workforce.

Overall Rating	Overall Rating of: Unsatisfactory	Successful	Highly Successful	Outstanding Performance
% of Workforce	15%	50%	20%	15%
Performance Adjustment	0%	2%	3%	4%

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender											
Division: Legal Services Division											
DI Name: Pilot Program - Pay for Performance - Attorneys Only						DI#: 1151003					
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.											
Budget Object Class	Job Class	Dept Req GR	Dept Req FED	Dept Req OTHER	Dept Req TOTAL	Dept Req One-Times	Gov Rec GR	Gov Rec FED	Gov Rec OTHER	Gov Rec TOTAL	Gov Rec One-Times
0401 - Assistant Public Defender I, II, III, IV, V							0	0	0	0	0
		732,139			732,139						
0460 - District Defenders							0	0	0	0	0
		68,359			68,359						
Total PS		800,498	0	0	800,498	0	0	0	0	0	0
Total FTE					0.0					0.0	
Total EE							0	0	0	0	0
		0	0	0	0	0	0	0	0	0	0
Program Distributions											
					0					0	
Total PSD		0	0	0	0	0	0	0	0	0	0
Transfers							0	0	0	0	
		0	0	0	0		0	0	0	0	
Total TRF		0	0	0	0	0	0	0	0	0	0
Grand Total							0	0	0	0	0
		800,498	0	0	800,498	0	0	0	0	0	0

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender
Division: Legal Services Division
DI Name: Pilot Program - Pay for Performance - Attorneys Only

DI#: 1151003

Pay for Performance - Attorneys											
Job Description	# of FTE	Average Salary	Unsatisfactory/ Needs Improvement	0% - Pay for Performance	% Successful	2% - Pay for Performance	% Highly Successful	3% - Pay for Performance	% Outstanding	4% - Pay for Performance	Total Cost
Assistant Public Defender II	95.00	\$41,688	15%	\$0.00	50%	\$39,603.60	20%	\$23,762.16	15%	\$23,762	\$87,127.92
Assistant Public Defender III	72.00	\$46,284	15%	\$0.00	50%	\$33,324.48	20%	\$19,994.69	15%	\$19,995	\$73,313.86
Assistant Public Defender IV	66.50	\$61,225	15%	\$0.00	50%	\$40,714.81	20%	\$24,428.88	15%	\$24,429	\$89,572.57
District Defender	46.00	\$67,548	15%	\$0.00	50%	\$31,072.08	20%	\$18,643.25	15%	\$18,643	\$68,358.58
	279.50										\$318,372.92

Pay for Performance - Senior Attorneys					
Job Description	# of FTE	Average Salary	Career Attorney Salary	Promotion	Total Cost
Assistant Public Defender V	35.00	\$61,225	\$75,000	\$13,775	\$482,125

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Pilot-Pay for Performance - 1151003								
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	800,498	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	800,498	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$800,498	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$800,498	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender
Division: Legal Services Division
DI Name: Retention Crisis: Attorney Salary Increases DI#: 1151004

1. AMOUNT OF REQUEST

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	1,347,976	0	0	1,347,976
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	1,347,976	0	0	1,347,976

FTE 0.00 0.00 0.00 0.00

Est. Fringe	659,969	0	0	659,969
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0

FTE 0.00 0.00 0.00 0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<p><input checked="" type="checkbox"/> New Legislation</p> <p><input type="checkbox"/> Federal Mandate</p> <p><input type="checkbox"/> GR Pick-Up</p> <p><input checked="" type="checkbox"/> Pay Plan</p>	<p><input type="checkbox"/> New Program</p> <p><input type="checkbox"/> Program Expansion</p> <p><input type="checkbox"/> Space Request</p> <p><input checked="" type="checkbox"/> Other: Salary Adjustment for Critical Class of Employees</p>	<p><input type="checkbox"/> Fund Switch</p> <p><input type="checkbox"/> Cost to Continue</p> <p><input type="checkbox"/> Equipment Replacement</p>
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NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender

Division: Legal Services Division

DI Name: Retention Crisis: Attorney Salary Increases

DI#: 1151004

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

Over the last six years, MSPD has experienced the equivalent of 116.3% turnover in its attorney staff, averaging a 19.38% turnover each year. In FY2007, repositioning adjustments increases were given to MSPD attorneys to try to stem the flow, but the problem is far from solved. Staggering student debt make it impossible for even those called to public interest work to work for MSPD, make their loan payments, and provide for themselves and their families. Many MSPD attorneys hold second jobs—delivering pizzas, working in retail, bartending, truck driving , etc.—trying to make ends meet. This reality makes it very hard to hold a group of employees who can walk into the private sector and make twice their MSPD salary.

The inability of the State Public Defender to recruit and retain attorneys compromises the quality of justice and efficiency of Missouri's criminal justice system.

The current attorney turnover rate is 18.03%. In addition to being unable to hire new graduates, experienced assistant public defenders at all levels are leaving the Department for the private sector and other better paying government attorney jobs, including jobs in prosecuting attorney offices.

Exit and employment interviews repeatedly reveal low pay and high caseloads as the reasons candidates do not choose to be employed, or remain employed, by the State Public Defender.

These vacancies are slowing the judicial process and reducing the disposition rate of cases. The State Public Defender continues to be able to dispose of less cases than those assigned. The FY06 cumulative backlog of more 28,168 cases is directly attributed to a shortage of experienced attorneys to handle them

While it is still too early to tell, we are hopeful that the attorney repositioning adjustments funded in Fiscal Year 2007 will help decreases turnover. The adjustments made were critical to reducing the rate of turnover, but they were only the first step in solving a problem that has taken years to reach its current level.

This decision item will increase assistant public defender salaries at the entry levels. As recruitment and retention of attorneys improves, vacancies will be reduced. The more experienced assistant public defenders will handle more cases, thereby reducing the backlog of cases and speed the administration of criminal justice.

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender

Division: Legal Services Division

DI Name: Retention Crisis: Attorney Salary Increases

DI#: 1151004

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

In March 2006 at the Request of Senator Chuck Gross, the Personnel Advisory Board reviewed the salaries of the Missouri State Public Defender's Assistant Public Defenders. Included in the report was a comparison of these salaries with similar Public Defender salaries in other states. The salaries of Missouri's Public Defender's have been updated to reflect the Fiscal Year 2007 salary increases.

The starting salary of the MSPD APD I \$35,148 is still 9.25% less than the 2006 starting salary of an Assistant Public Defender I in other states, \$38,732. To equalize this difference, the starting salary of an APD I should go to \$38,400.

The average salary of the MSPD APD II \$41,688 is still 17.35% less than the 2006 average salary of an Assistant Public Defender II in other states, \$50,430. To equalize this difference, the salary of an APD II should go to \$48,920.

The average salary of the MSPD APD III \$46,284 is still 16.06% less than the 2006 average salary of an Assistant Public Defender I in other states, \$55,137. To equalize this difference, the starting salary of an APD III should go to \$53,717.

The average salary of the MSPD APD IV \$56,868 is still 12.71% less than the 2006 average salary of an Assistant Public Defender I in other states, \$65,150. To equalize this difference, the starting salary of an APD IV should go to \$64,094.

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender											
Division: Legal Services Division											
DI Name: Retention Crisis: Attorney Salary Increases						DI#: 1151004					
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.											
Budget Object Class	Job Class	Dept Req GR	Dept Req FED	Dept Req OTHER	Dept Req TOTAL	Dept Req One-Times	Gov Rec GR	Gov Rec FED	Gov Rec OTHER	Gov Rec TOTAL	Gov Rec One-Times
0401 - Assistant Public Defender I, II, III							0	0	0	0	0
Total PS		1,347,976	0	0	1,347,976	0	0	0	0	0	0
Total FTE					0.0					0.0	
Total EE		0	0	0	0	0	0	0	0	0	0
Program Distributions										0	
Total PSD		0	0	0	0	0	0	0	0	0	0
Transfers		0	0	0	0		0	0	0	0	
Total TRF		0	0	0	0	0	0	0	0	0	0
Grand Total		1,347,976	0	0	1,347,976	0	0	0	0	0	0

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender

Division: Legal Services Division

DI Name: Retention Crisis: Attorney Salary Increases

DI#: 1151004

6. PERFORMANCE MEASURES (If new decision item has an associated core, separately identify projected performance with & without additional funding.)

**Public Defender Caseload
Assigned vs. Disposed**

<i>Fiscal Year</i>	<i>Assigned</i>	<i>Disposed</i>	<i>Net Difference</i>
2000	75,738	69,591	6,147
2001	76,786	73,438	3,348
2002	82,206	77,165	5,041
2003	85,908	81,059	4,849
2004	88,916	86,356	2,560
2005	88,131	87,180	951
2006	88,532	83,260	5,272
	586,217	558,049	28,168

Cost of Attorney Turnover

Class Code	Description	FY06 Salary Paid	Cost of Turnover
0400	Assistant Public Defenders	\$13,413,058	\$3,353,265
0460	District Defenders	\$2,710,418	\$677,605
			\$4,030,869

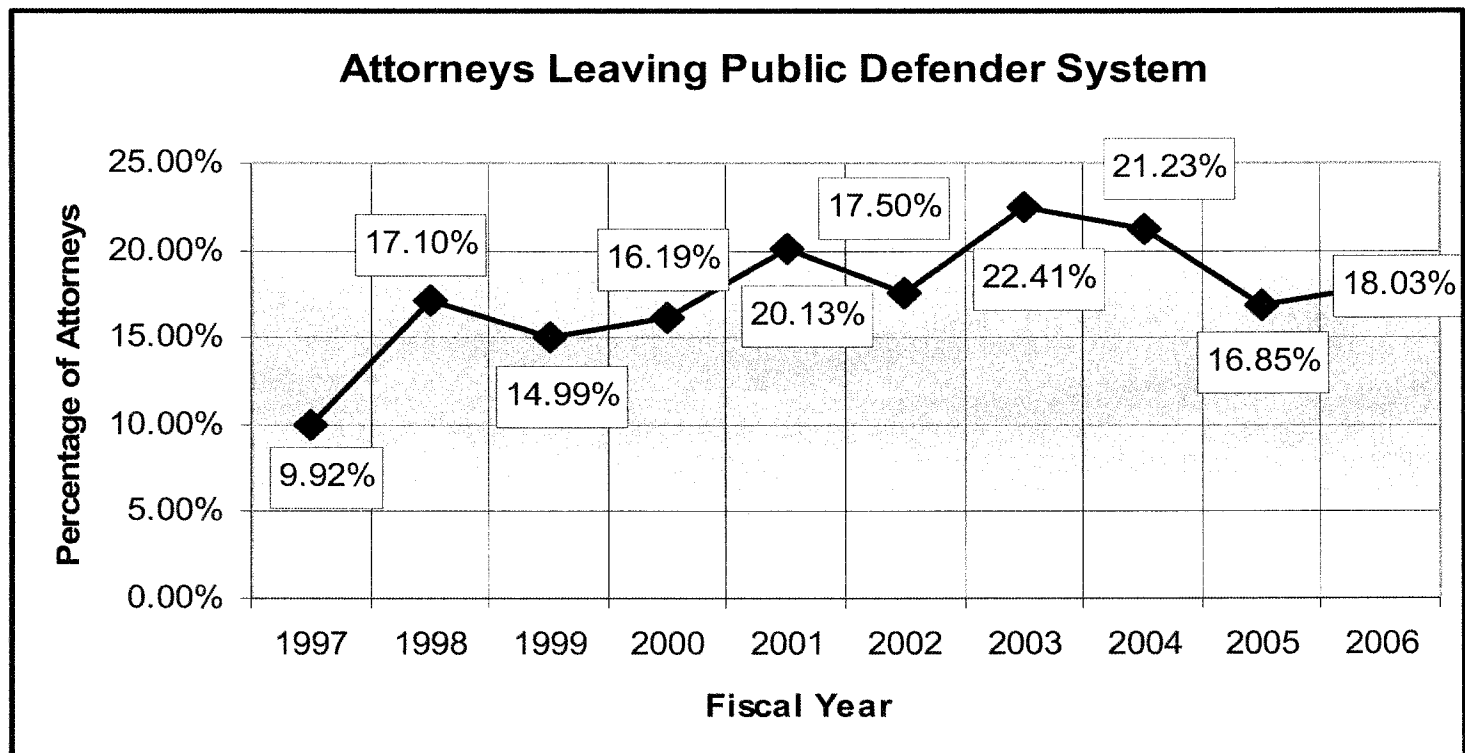
*Per the Personnel Advisory Board
Turnover Costs 25% of the Salary of the Positions

Department: Office of the State Public Defender

Division: Legal Services Division

DI Name: Retention Crisis: Attorney Salary Increases

DI#: 1151004



Department: Office of the State Public Defender

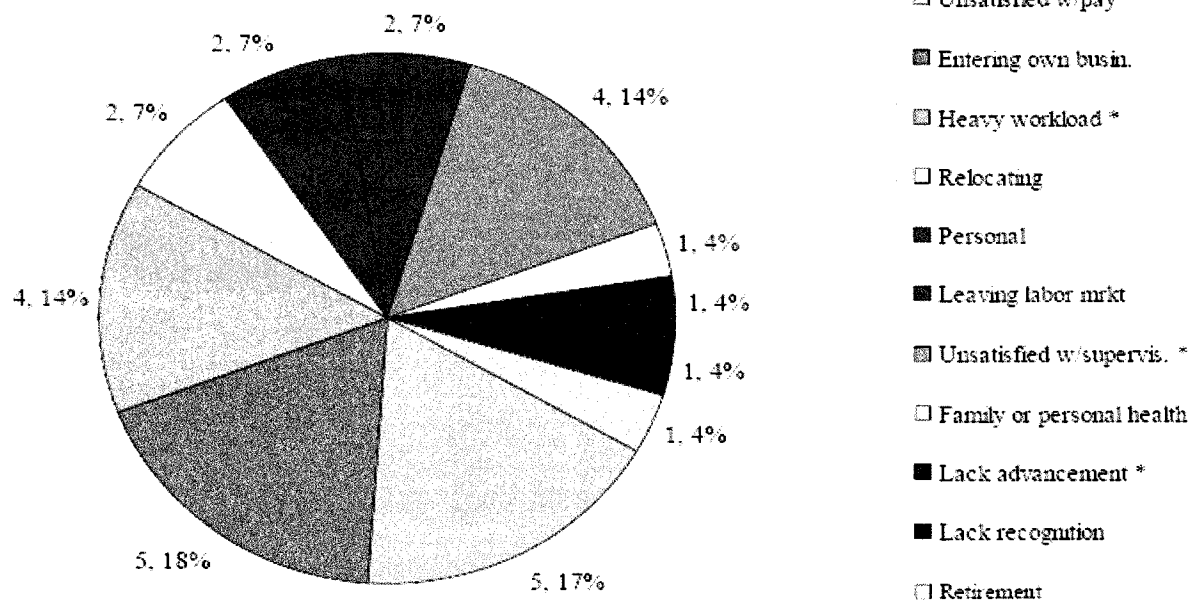
Division: Legal Services Division

DI Name: Retention Crisis: Attorney Salary Increases

DI#: 1151004

Attorney: Primary reason for leaving

Exit Interview Tracking: February 2005-present



^ Approximately 49% of Attorneys leaving the Missouri State Public Defender System do so for reasons related to workload and salary.

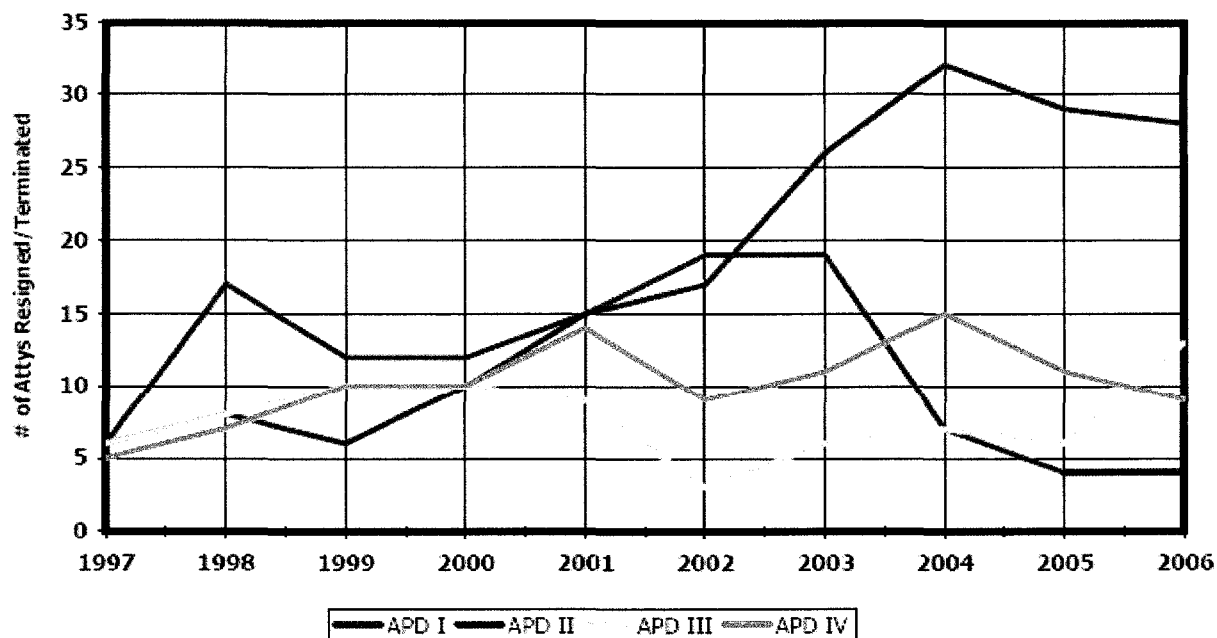
Department: Office of the State Public Defender

Division: Legal Services Division

DI Name: Retention Crisis: Attorney Salary Increases

DI#: 1151004

Attorney Turnover Statistics By Fiscal Year & Classification



NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender

Division: Legal Services Division

DI Name: Retention Crisis: Attorney Salary Increases

DI#: 1151004

Assistant Public Defenders I, II, and III

Job Title	# of FTE	FY07 Salary	Proposed Salary	Annual Increase	Cost of Adjustment
Assistant Public Defender I	32.00	\$35,148	\$38,400	\$3,252	\$104,064
Assistant Public Defender II	98.00	\$41,688	\$48,920	\$7,232	\$708,736
Assistant Public Defender III	72.00	\$46,284	\$53,717	\$7,433	\$535,176
	202.00				\$1,347,976

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Retention Crisis, APD I-III - 1151004								
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	1,347,976	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	1,347,976	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$1,347,976	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$1,347,976	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender

Division: Legal Services Division

DI Name: Retention Crisis: Attorney Salary Increases APD IV

DI#: 1151005

1. AMOUNT OF REQUEST

FY 2008 Budget Request				
	GR	Federal	Other	Total
PS	299,633	0	0	299,633
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	299,633	0	0	299,633
FTE	0.00	0.00	0.00	0.00

Est. Fringe	146,700	0	0	146,700
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

FY 2008 Governor's Recommendation				
	GR	Fed	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<p>X</p> <p>New Legislation Federal Mandate GR Pick-Up Pay Plan</p>	<p>X</p> <p>New Program Program Expansion Space Request Other: Salary Adjustment for Critical Class of Employees</p>	<p>Fund Switch Cost to Continue Equipment Replacement</p>
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NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender

Division: Legal Services Division

DI Name: Retention Crisis: Attorney Salary Increases APD IV

DI#: 1151005

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

The most experienced assistant public defenders, APD IVs, handle more and the most serious and complex cases. While not as great as the turnover in the middle and entry level assistant public defenders, the turnover rate is still unacceptable.

These are the lawyers who not only handle the most complex cases with the greatest consequences, they are also the mentors and trainers for the revolving door of new hires that join MSPD. The retention of experienced attorneys to fill that critical role will have a direct impact on the turnover rate of those less-experienced attorneys, many of whom cited the lack of mentoring or adequate supervision by experienced attorneys as they found themselves assigned to more and more complex matters as a key reason in their decision to leave state service.

In FY06, approximately 10% of all assistant public defender IVs left the Department. Just as these lawyers attain the experience and training the State Public Defender has to offer, they move on to private practice. Because these experienced, well-trained attorneys handle more and more serious cases, it is more efficient and cost effective to retain them.

While 100 percent retention is unlikely, moving these attorneys closer to their counterparts in other states will reduce the unacceptable loss rate.

This adjustment will also recognize the vital role Missouri's APD IVs play in Missouri's criminal justice system. Although they average over seven years of criminal law experience and handle nearly all Missouri's most difficult and complex cases, current APD IV salaries do not even match the average entry level salary of new Missouri lawyers in the private sector.

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender

Division: Legal Services Division

DI Name: Retention Crisis: Attorney Salary Increases APD IV

DI#: 1151005

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

In March 2006 at the Request of Senator Chuck Gross, the Personnel Advisory Board reviewed the salaries of the Missouri State Public Defender's Assistant Public Defenders. Included in the report was a comparison of these salaries with similar Public Defender salaries in other states. The salaries of Missouri's Public Defender's have been updated to reflect the Fiscal Year 2007 salary increases.

The starting average salary of the MSPD APD IV \$56,868 is still 12.71% less than the 2006 average salary of an Assistant Public Defender I in other states, \$65,150. To equalize this difference, the starting salary of an APD I should go to \$64,094.

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender											
Division: Legal Services Division											
DI Name: Retention Crisis: Attorney Salary Increases APD IV						DI#: 1151005					
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.											
Budget Object Class	Job Class	Dept Req GR	Dept Req FED	Dept Req OTHER	Dept Req TOTAL	Dept Req One-Times	Gov Rec GR	Gov Rec FED	Gov Rec OTHER	Gov Rec TOTAL	Gov Rec One-Times
0401 - Assistant Public Defender IV											
		299,633			299,633		0	0	0	0	0
Total PS		299,633	0	0	299,633	0	0	0	0	0	0
Total FTE					0.0					0.0	
Total EE		0	0	0	0	0	0	0	0	0	0
Program Distributions										0	
Total PSD		0	0	0	0	0	0	0	0	0	0
Transfers		0	0	0	0		0	0	0	0	
Total TRF		0	0	0	0	0	0	0	0	0	0
Grand Total		299,633	0	0	299,633	0	0	0	0	0	0

NEW DECISION ITEM
RANK: 5 OF 12

Department: Office of the State Public Defender

Division: Legal Services Division

DI Name: Retention Crisis: Attorney Salary Increases APD IV

DI#: 1151005

**RECRUITMENT & RETENTION
Assistant Public Defender IV'S**

Job Title	# of FTE	FY07 Salary	Proposed Salary	Annual Increase	Cost of Adjustment
Assistant Public Defender IV	96.50	\$60,991	\$64,096	\$3,105	\$299,633
	96.50				\$299,633

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Retention Crisis - APD IV - 1151005								
ASSISTANT PUBLIC DEFENDER	0	0.00	0	0.00	299,633	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	299,633	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$299,633	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$299,633	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 6 OF 12

Department: Office of the State Public Defender
Division: Legal Services Division
DI Name: Attorney Salary Increases - District Defenders DI#: 1151006

1. AMOUNT OF REQUEST

FY 2008 Budget Request				
	GR	Federal	Other	Total
PS	1,380,077	0	0	1,380,077
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	<u>1,380,077</u>	<u>0</u>	<u>0</u>	<u>1,380,077</u>
FTE	0.00	0.00	0.00	0.00

Est. Fringe	675,686	0	0	675,686
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

FY 2008 Governor's Recommendation				
	GR	Fed	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input checked="" type="checkbox"/>	New Legislation	<input checked="" type="checkbox"/>	New Program	<input type="checkbox"/>	Fund Switch
	Federal Mandate		Program Expansion		Cost to Continue
	GR Pick-Up		Space Request		Equipment Replacement
<input checked="" type="checkbox"/>	Pay Plan		Other: Salary Adjustment for Critical Class of Employees		

NEW DECISION ITEM
RANK: 6 OF 12

Department: Office of the State Public Defender

Division: Legal Services Division

DI Name: Attorney Salary Increases - District Defenders

DI#: 1151006

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

Pursuant to RSMo. 600.021.2, Public Defenders "shall not otherwise engage in the practice of law". Neither Chapter 600 nor Public Defender Commission rule allows public defenders to maintain a private law practice.

In contrast, prosecuting attorneys are allowed a private, civil practice, pursuant to RSMo. 56.360. A private law practice is not allowed for full-time prosecutors, such as when the position is made full-time pursuant to RSMo. 56.363.

A full-time prosecutor is responsible for the prosecution and overall supervision of the prosecutor's office staff in their respective county. The full-time prosecutor's equivalent, the District Defender, is responsible for indigent defense services, and overall supervision of the office staff for the district; usually a multi-county jurisdiction.

Prosecuting attorneys are compensated in accordance with RSMo. 56.265. Pursuant to RSMo. 56.265.1(1), a full-time prosecutor "shall receive compensation equal to the compensation of an associate circuit judge". Each 1st class county has a full-time prosecutor. More and more third and fourth class counties are electing to have full-time prosecutors.

The compensation of persons appointed District Defenders is fixed by the State Public Defender Commission, in accordance with RSMo. 600.021.3. However, the Commission has not been funded to bring District Defender salaries in line with their full-time prosecution counterparts.

This decision item will fund District Defender salaries, making them equal to that of a full-time prosecutor.

NEW DECISION ITEM
RANK: 6 OF 12

Department: Office of the State Public Defender											
Division: Legal Services Division											
DI Name: Attorney Salary Increases - District Defenders DI#: 1151006											
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.											
Budget Object Class	Job Class	Dept Req GR	Dept Req FED	Dept Req OTHER	Dept Req TOTAL	Dept Req One-Times	Gov Rec GR	Gov Rec FED	Gov Rec OTHER	Gov Rec TOTAL	Gov Rec One-Times
0460 - District Defenders		1,380,077			1,380,077		0	0	0	0	0
Total PS		1,380,077	0	0	1,380,077	0	0	0	0	0	0
Total FTE					0.0					0.0	
					0					0	
					0					0	
Total EE		0	0	0	0	0	0	0	0	0	0
Program Distributions					0					0	
Total PSD		0	0	0	0	0	0	0	0	0	0
Transfers		0	0	0	0		0	0	0	0	
Total TRF		0	0	0	0	0	0	0	0	0	0
Grand Total		1,380,077	0	0	1,380,077	0	0	0	0	0	0

Department: Office of the State Public Defender
Division: Legal Services Division
DI Name: Attorney Salary Increases - District Defenders DI#: 1151006

Assistant District Defender & District Defender Recruitment and Retention

Assistant District Defender & District Defender					
Job Title	# of FTE	FY07 Salary	Proposed Salary	Annual Increase	Cost of Adjustment
Assistant District Defender	5.00	\$65,743	\$80,000	\$14,257	\$71,285
District Defender	46.00	\$67,548	\$96,000	\$28,452	\$1,308,792
	51.00				\$1,380,077

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
District Defender Salaries - 1151006								
DISTRICT DEFENDER	0	0.00	0	0.00	1,380,077	0.00	0	0.00
TOTAL - PS	0	0.00	0	0.00	1,380,077	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$1,380,077	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$1,380,077	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

**ALTERNATIVE
STAFFING**

NEW DECISION ITEM
RANK: 7 OF 12

Department: Office of the State Public Defender	Budget Unit <u>1510000C</u>
Division: Legal Services	
DI Name: Increased Caseload - Trial Division Legal Assistants Alternative	DI #: <u>1151007</u>

1. AMOUNT OF REQUEST

	FY 2008 Budget Request					FY 2008 Governor's Recommendation			
	GR	Federal	Other	Total		GR	Fed	Other	Total
PS	1,229,067	0	0	1,329,468	PS	0	0	0	0
EE	697,725	0	0	702,590	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	1,926,792	0	0	2,032,058	Total	0	0	0	0
 FTE	 49.00	 0.00	 0.00	 49.00	 FTE				

Est. Fringe	601,751	0	0	650,908
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Est. Fringe				
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				

Other Funds: _____

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation <input type="checkbox"/> Federal Mandate <input type="checkbox"/> GR Pick-Up <input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> New Program <input type="checkbox"/> Program Expansion <input type="checkbox"/> Space Request <input type="checkbox"/> Other: _____	<input type="checkbox"/> Fund Switch <input type="checkbox"/> Cost to Continue <input type="checkbox"/> Equipment Replacement
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3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

In Fiscal Year 1990, Governor Ashcroft, with the assistance of the State Public Defender Commission, developed a plan to fund a statewide public defender system. The plan provided for public defender offices in all areas of the state to effectively service the indigent accused.

Since 1990, the caseload of the trial division of the public defender system has grown rapidly due to a number of reasons: legislation enacting new crimes and increased penalties on existing crimes, aggressive prosecution, the number of counties moving to full time prosecutors, drug cases, etc.

NEW DECISION ITEM
RANK: 7 OF 12

Department: Office of the State Public Defender

Budget Unit 1510000C

Division: Legal Services

DI Name: Increased Caseload - Trial Division Legal Assistants Alternative

DI #: 1151007

There is a decision item pending to fund the required 102 attorneys necessary to provide effective representation to existing caseload. This decision item would provide an alternative to hiring some of the 102 attorneys.

Many cases are administrative matters that can be worked up and partially handled by supervised legal assistants and paralegals. In addition, many cases consist mainly of sentencing negotiations and a search for alternatives to incarceration. This task could be more economically handled by alternative sentencing specialists. The additional staff would not eliminate the need for attorneys, but the number of attorneys could be reduced by some percentage. Examples of these cases include traffic, criminal non-support passing bad checks and failure to return rental property and some first time offenses.

In Fiscal Year 2006 the Trial Division provided representation in 19,845 of these cases.

Using the same National Advisory Commission on Criminal Justice Standards (NAC) for support staff as for attorneys, support staff could manage 400 Misdemeanors cases per staff person per year. The result is 49 additional legal assistants, paralegal investigators and alternative sentencing specialists.. The ratio would be 1 paralegal investigator to every 3 legal assistants.

This option would save the cost of some of the attorney salaries vs. the cost of support staff.

NEW DECISION ITEM
RANK: 7 OF 12

Department: Office of the State Public Defender	Budget Unit <u>1510000C</u>
Division: Legal Services	
DI Name: Increased Caseload - Trial Division Legal Assistants Alternative	DI #: <u>1151007</u>

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Cases Prepared by Legal Assistants	
Charge	FY06 Caseload
Failure to Register	301
Failure to Display Valid Plates	211
Displaying Plates of Another	141
Operating w/o a Valid License	641
Driving while Suspended or Revoked	6,529
Failure to Provide Proof of Insurance	76
Operating w/o Proof of Financial Responsibility	597
Speeding	402
Careless and Imprudent Driving	349
Failure to Drive on Right Side of Road	300
Seat Belt Violation	120
Other Traffic	632
Criminal Non-Support	4,204
Passing Bad Checks	5,101
Failure to Return Rental Property	241
Total FY06 Administrative Caseload	19,845

NEW DECISION ITEM
RANK: 7 OF 12

Department: Office of the State Public Defender

Budget Unit 1510000C

Division: Legal Services

DI Name: Increased Caseload - Trial Division Legal Assistants Alternative

DI #: 1151007

**CURRENT MSPD SUPPORT STAFF RATIOS
TRIAL DIVISION STAFF TO ATTORNEY RATIO**

Our current Trial Division support staff to attorney ratio statewide is as follows:

- 1 investigator / paralegal for every 6.2 attorneys
- 1 secretary for every 4.8 attorneys
- 1 legal assistant for every 10.25 attorneys
- 1 paralegal for every 16.7 attorneys
- 1 alternative sentencing specialist for every 46.35 attorneys

This is a statewide *average* and not a reality in every office. Since every office requires at least one secretary even if it only has 2-3 attorneys, other offices make do with 1 secretary and 1 investigator for as many as 8 attorneys and no alternative sentencing specialist. Fifteen of our Trial Division offices do not have any legal assistants and only 4 have a paralegal position.

TRIAL DIVISION STAFF TO CASELOAD RATIO

In the Trial Division, staff to caseload may actually be a better measure of true need than staff to attorney positions. Using that measure, in FY06 the Trial Division had:

- 1 investigator / paralegal for every 1,837 cases
- 1 secretary for every 1,421 case files
- 1 legal assistant for every 3,030 cases
- 1 paralegal for every 21,592 cases
- 1 alternative sentencing specialist for every 10,160 cases

Again, this is a statewide *average* and not a reality in every office. Using the FY06 299 cases per year per attorney average, in those offices which have only one secretary and one investigator for 8 attorneys, that investigator is responsible for investigating 2,392 cases annually while the secretary is responsible for providing all clerical and phone support for the same number of cases and clients.

NEW DECISION ITEM
RANK: 7 OF 12

Department: Office of the State Public Defender				Budget Unit 1510000C						
Division: Legal Services										
DI Name: Increased Caseload - Trial Division Legal Assistants Alternative				DI #: 1151007						
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.										
	Dept Req		Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	
	GR	Dept Req	FED	FED	OTHER	OTHER	TOTAL	TOTAL	One-Time	
Budget Object Class/Job Class	DOLLARS	GR	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS
0400 - Assistant Public Defender	0	0.00	0	0	0	0	0	0	0.00	
0300 - Paralegal/Investigator	599,172	24.50	0	0	0	0	0	599,172	24.50	
0350 - Alternative Sentencing Specialist	399,987	12.25						399,987	12.25	
0200 - Legal Assistants	330,309	12.25	0	0	0	0	0	330,309	12.25	
								0	0.0	
								0	0.0	
Total PS	1,329,468	49.00	0	0.0	0	0.0	0	1,329,468	49.00	0
140 - Travel - In State	294,000							294,000		
190 - Supplies	8,575							8,575		
340 - Communications	58,800							58,800		
580 - Office Equipment	110,415							110,415		110,415
590 - Other Equipment	137,700							137,700		137,700
680 - Building Leases	93,100							93,100		
								0		
Total EE	702,590		0		0			702,590		248,115
Program Distributions	0		0		0			0		0
Total PSD	0		0		0			0		0
Transfers	0		0		0			0		0
Total TRF	0		0		0			0		0
Grand Total	2,032,058	49.00	0	0.0	0	0.0	0	2,032,058	49.0	248,115

NEW DECISION ITEM
 RANK: 7 OF 12

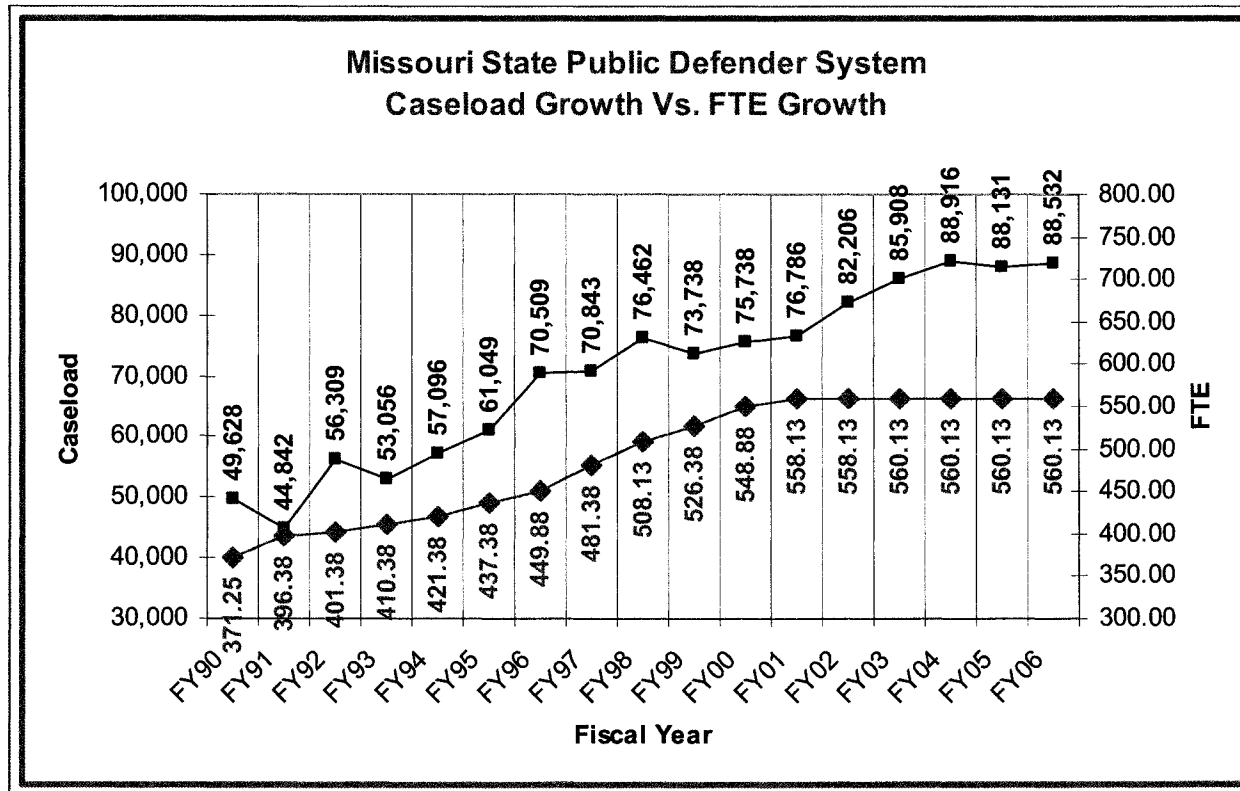
Department: Office of the State Public Defender
 Division: Legal Services
 DI Name: Increased Caseload - Trial Division Legal Assistants Alternative

Budget Unit 1510000C
 DI #: 1151007

6. PERFORMANCE MEASURES (If new decision item has an associated core, separately identify projected performance with & without additional funding.)

6a. Provide an effectiveness measure.

6b. Provide an efficiency measure.



NEW DECISION ITEM
RANK: 7 OF 12

Department: Office of the State Public Defender	Budget Unit <u>1510000C</u>
Division: Legal Services	
DI Name: Increased Caseload - Trial Division Legal Assistants Alternative	DI #: <u>1151007</u>

Legal Assistant Alternative

Cost Breakdown

Personal Service

24.50 Legal Assistants	
at Range 15 - \$24,456 per year	\$599,172
12.25 Alternative Sentencing Specialists	
at Range 23 - \$32,652 per year	\$399,987
12.25 Paralegal/Investigator	
at Range 18 - \$26,964 per year	<u>\$330,309</u>
Total Personal Service	\$1,329,468

Expense & Equipment

One-time Purchases

Legal Assistants 25 * \$4,865	\$121,625
Alternative Sentencing Specialists 13 * \$4,865	\$63,245
Paralegal/Investigator Package 13 * \$4,865	<u>\$63,245</u>
Total One-Time Purchases	\$248,115

On-Going Costs

Paralegal/Investigators & Legal Assistants	
& Alternative Sentencing Specialists 49 * \$9,275	<u>\$454,475</u>
Total Personnel Related On-Going Costs	\$454,475

Total Expense and Equipment	<u>\$702,590</u>
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Total Decision Item Request	\$2,032,058
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Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Legal Assistance Alternative - 1151007								
SECRETARY	0	0.00	0	0.00	330,309	12.25	0	0.00
INVESTIGATOR	0	0.00	0	0.00	599,172	24.50	0	0.00
ALTERNATIVE SENTENCING SPEC	0	0.00	0	0.00	399,987	12.25	0	0.00
TOTAL - PS	0	0.00	0	0.00	1,329,468	49.00	0	0.00
TRAVEL, IN-STATE	0	0.00	0	0.00	294,000	0.00	0	0.00
SUPPLIES	0	0.00	0	0.00	8,575	0.00	0	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	58,800	0.00	0	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	110,415	0.00	0	0.00
OTHER EQUIPMENT	0	0.00	0	0.00	137,700	0.00	0	0.00
REAL PROPERTY RENTALS & LEASES	0	0.00	0	0.00	93,100	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	702,590	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$2,032,058	49.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$2,032,058	49.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM

RANK: 8OF 12

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Restoration of Expense & Equipment Core

DI# 1151008

1. AMOUNT OF REQUEST

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	2,487,400	0	0	2,487,350
PSD	0	0	0	0
TRF	0	0	0	0
Total	2,487,400	0	0	2,487,350
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	0	0	0	0
EE	447,009	0	0	447,009
PSD	0	0	0	0
TRF	0	0	0	0
Total	447,009	0	0	447,009
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input checked="" type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

SHORTAGE OF EXPENSE & EQUIPMENT FUNDS:

MSPD's Legal Services E&E budget was cut by \$2,487,400 in Fiscal Year 2004 when state funds as a whole were in such short supply. That core has never been restored.

NEW DECISION ITEM

RANK: 8OF 12

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Restoration of Expense & Equipment Core

DI# 1151008

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Case expenses have increased with the increase in caseload, multiplied by the fact that most of the increase is in rural areas. This brings a corresponding increase in travel as our attorneys drive to cover caseloads that stretch across multiple counties. Last year, MSPD Trial Division employees drove 1.9 million miles. Increases in mileage reimbursement rates on top of the increased number of miles, is just one of the reasons MSPD's budget has been stretched to the breaking point. Despite numerous cost-cutting measures, MSPD still wound up out of funds before the end of the fiscal year 2006 and had to hold invoices until FY07 funds became available to cover them.

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class	Job Class	Dept Req GR	Dept Req FED	Dept Req OTHER	Dept Req TOTAL	Dept Req One-Times	Gov Rec GR	Gov Rec FED	Gov Rec OTHER	Gov Rec TOTAL	Gov Rec One-Times
Salaries/Wages					0					0	
Total PS		0	0	0	0	0	0	0	0	0	0
Total FTE					0.0					0.0	
140 - Travel		775,000			775,000		139,278			139,278	
190 - Supplies		245,900			245,900		44,192			44,192	
340 - Communications		385,000			385,000		69,189			69,189	
400 - Professional Services		634,750			634,750		114,073			114,073	
430 - Maintenance		120,700			120,700		21,691			21,691	
680 - Leases		326,000			326,000		58,586			58,586	
					0					0	
Total EE		2,487,350	0	0	2,487,350	0	447,009	0	0	447,009	0
Program Distributions					0					0	
Total PSD		0	0	0	0	0	0	0	0	0	0
Transfers		0	0	0	0		0	0	0	0	
Total TRF		0	0	0	0	0	0	0	0	0	0
Grand Total		2,487,350	0	0	2,487,350	0	447,009	0	0	447,009	0

NEW DECISION ITEM
RANK: 8

OF 12

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Restoration of Expense & Equipment Core

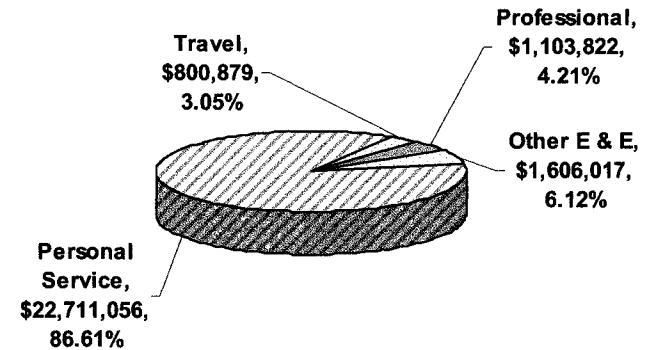
DI# 1151008

6. PERFORMANCE MEASURES (If new decision item has an associated core, separately identify projected performance with & without additional funding.)

Increased Cost of Mileage from a Reduced Budget

Fiscal Year	Mileage Rate	Miles Traveled	MSPD Cost	
2004	0.330	1,761,892	\$581,424	
2005	0.345	1,931,003	\$666,196	\$84,772
2006	0.375	2,497,254	\$936,470	\$270,274
2007	0.415	2,996,705	\$1,243,632	\$307,162
				\$662,208

**Fiscal Year 2006 Expenditures
- Legal Services -**



Office of the State Public Defender
DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Restoration of E & E Core - 1151008								
TRAVEL, IN-STATE	0	0.00	0	0.00	775,000	0.00	139,278	0.00
SUPPLIES	0	0.00	0	0.00	245,900	0.00	44,192	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	385,000	0.00	69,189	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	634,750	0.00	114,073	0.00
M&R SERVICES	0	0.00	0	0.00	120,700	0.00	21,691	0.00
REAL PROPERTY RENTALS & LEASES	0	0.00	0	0.00	326,000	0.00	58,586	0.00
TOTAL - EE	0	0.00	0	0.00	2,487,350	0.00	447,009	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$2,487,350	0.00	\$447,009	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$2,487,350	0.00	\$447,009	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

NEW DECISION ITEM
RANK: 10 OF 12

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Student Loan Relief

DI# 1151010

1. AMOUNT OF REQUEST

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	748,440	0	0	748,440
PSD	0	0	0	0
TRF	0	0	0	0
Total	<u>748,440</u>	<u>0</u>	<u>0</u>	<u>748,440</u>
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input checked="" type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

There is a recruitment crisis as to assistant public defenders in the State of Missouri. Because of the inability to recruit new assistant public defenders, new positions created because of expanding caseloads, as well as vacant positions created by turnover, remain unfilled for extended periods of time. Vacant positions, particularly in rural public defender offices often remain open for periods of six months or more

These vacancies are slowing the judicial process and reducing the disposition rate of cases. The State Public Defender continues to be able to dispose of less cases than those assigned. The FY06 cumulative backlog of more 28,168 cases is directly attributed to a shortage of experienced attorneys to handle them.

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Student Loan Relief

DI# 1151010

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Through turnover, the Office of the State Public Defender has openings for approximately 60 attorneys each year. However, often these openings remain unfilled for a period of time because of the inability to recruit.

Most new attorneys hired by the Office of State Public Defender are recent law school graduates. Nearly all those graduates have considerable student loan debt upon graduation. A recent survey indicates most law school graduates hired by the State Public Defender have law school debt of \$50,000 - \$100,000. Approximately five percent had debt in excess of \$100,000. Interviews with prospective candidates indicate that, although some students would prefer public service as public defenders, they simply cannot afford to with the entry level salary and the heavy student loan debt.

Assistant public defenders with at least \$300 per month in student loan debt would receive up to \$300.00 per month during their service as assistant public defenders, so long as they perform satisfactorily as public defenders and are not in default on any student loan debt.

Increased recruitment and reduced vacancies will speed the disposition of criminal cases and increase the public defender caseload disposition rate.

**Public Defender Caseload
Assigned vs. Disposed**

<i>Fiscal Year</i>	<i>Assigned</i>	<i>Disposed</i>	<i>Net Difference</i>
2000	75,738	69,591	6,147
2001	76,786	73,438	3,348
2002	82,206	77,165	5,041
2003	85,908	81,059	4,849
2004	88,916	86,356	2,560
2005	88,131	87,180	951
2006	88,532	83,260	5,272
	586,217	558,049	28,168

NEW DECISION ITEM
RANK: 10 OF 12

Department: Office of the State Public Defender	
Division: Legal Services	
DI Name: Student Loan Relief	DI# 1151010

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class	Job Class	Dept Req GR	Dept Req FED	Dept Req OTHER	Dept Req TOTAL	Dept Req One-Times	Gov Rec GR	Gov Rec FED	Gov Rec OTHER	Gov Rec TOTAL	Gov Rec One-Times
Salaries/Wages					0		0	0	0	0	0
Total PS		0	0	0	0	0	0	0	0	0	0
Total FTE					0.0					0.0	
320 - Professional Development		748,440			748,440		0	0	0	0	0
					0						
Total EE		748,440	0	0	748,440	0	0	0	0	0	0
Program Distributions					0					0	
Total PSD		0	0	0	0	0	0	0	0	0	0
Transfers		0	0	0	0		0	0	0	0	0
Total TRF		0	0	0	0	0	0	0	0	0	0
Grand Total		748,440	0	0	748,440	0	0	0	0	0	0

NEW DECISION ITEM
RANK: 10 OF 12

Department: Office of the State Public Defender

Division: Legal Services

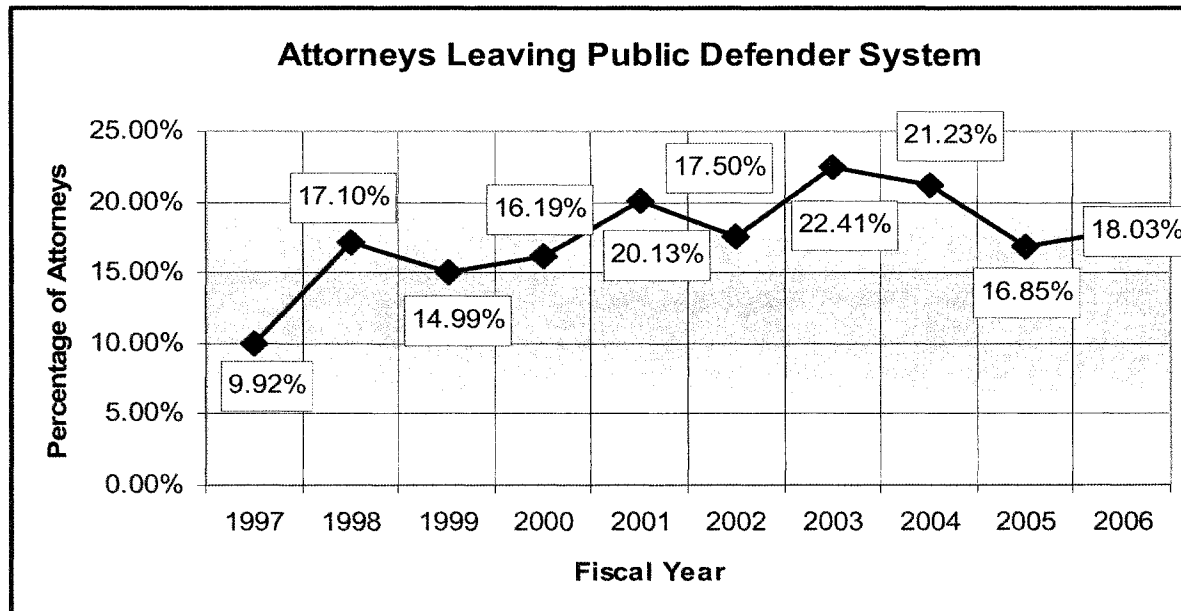
DI Name: Student Loan Relief

DI# 1151010

6. PERFORMANCE MEASURES (If new decision item has an associated core, separately identify projected performance with & without additional funding.)

6a. Provide an effectiveness measure.

6b. Provide an efficiency measure.



Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Student Loan Relief - 1151010								
PROFESSIONAL DEVELOPMENT	0	0.00	0	0.00	748,440	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	748,440	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$748,440	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$748,440	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

NEW DECISION ITEM
RANK: 11 OF 12

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Office Space Requirements & Employee Parking

DI#: 1151011

1. AMOUNT OF REQUEST

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	1,867,761	0	0	1,867,761
PSD	0	0	0	0
TRF	0	0	0	0
Total	<u>1,867,761</u>	<u>0</u>	<u>0</u>	<u>1,867,761</u>
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input checked="" type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input type="checkbox"/> Other:	

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Office Space Requirements & Employee Parking

DI#: 1151011

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

When the Missouri State Public Defender System was established, the burden and expense of office space and utility services for local public defender offices was placed on the counties served by that office. That burden remains today in the form of RSMo. 600.040.1 which reads:

The city or county shall provide office space and utility services, other than telephone service, for the circuit or regional public defender and his personnel. If there is more than one county in a circuit or region, each county shall contribute, on the basis of population, its pro rata share of the costs of office space and utility services, other than telephone service. The state shall pay, within the limits of the appropriation therefore, all other expenses and costs of the state public defender system authorized under this chapter.

Some county governments have objected to and resent being required to pay for office space for a Department of State Government.

When the Missouri State Public Defender System was first established and RSMo. 600.040.1 was first enacted, public defender services in most areas of the state were provided through private attorneys who had contracted with Missouri's Public Defender System to provide such services. Since these private contract counsel provided services from their private offices, county governments did not have to provide office space and utilities.

In 1997, the legislature responded to the refusal of some counties to provide or pay for Public Defender office space. Language was added to House Bill 5, allowing for the interception of prisoner per diem payments to counties failing to meet their obligations under 600.040. The state has intercepted some money intended for counties that scoffed at their obligation, however, the interceptions and threat of interceptions have put great strain on state-county relations.

In 1999, the legislature once again addressed the problem of providing Public Defender office space. A new section, (RSMo. 600.101), was added which allows disputes between counties and the State Public Defender to be submitted to the Judicial Finance Commission (RSMo. 477.600). Section 600.101 also calls for a study and report from the Judicial Resources Commission to be prepared for the chairs of the House and Senate Judiciary Committees, Senate Appropriations Committee, and House Budget Committee.

Today, some county governments provide public defender office space in county courthouses or other county facilities, some counties rent office space and pay their pro rata share of that rent as required by statute. Some counties, strapped for office space for their own county officials, provide woefully inadequate space in county facilities. Some county governments provide no office space at all and refuse to provide rented office space outside county facilities.

NEW DECISION ITEM
RANK: 11 OF 12

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Office Space Requirements & Employee Parking

DI#: 1151011

Disputes have not only concerned whether or not office space will be provided at all, they have included where and what space will be provided. Either because of economic necessity or in passive resistance to their obligation, some counties house the Public Defender in woefully inadequate facilities. Public Defenders have endured the indignities of insect infestation, lack of privacy, leaky roofs, and cramped quarters, to name a few.

Counties simply have no interest in the adequacy of the Public Defender facilities, especially when they don't want to provide space at all. Most of our offices serve multiple counties. It is a logistical nightmare to have to get multiple commissioners in multiple counties to sign off on every change to a lease involving one of our offices. (including no less than 33 commissioners in our Chillicothe office, which covers 11 counties!) A number of counties refuse to provide or pay for additional space to accommodate growing defender staff, a problem that will greatly multiply if additional staffing is forthcoming in this legislative session. While MSPD has not received any additional staffing for the past 6 years, we do move positions among offices based upon growing / dropping caseload.

Some of the results:

- ◆ Attorneys doubled up in offices, making a confidential client meeting impossible;
- ◆ Attorneys literally setting up an office in the telephone / computer server closet, as well as taking over all public space in the office –break room, conference room, library – so that these generally standard areas in a law office are no longer available anywhere within in the office;
- ◆ Having to install locks on all filing cabinets and moving them into a public hallway to free up space for staff to squeeze in another desk;
- ◆ MSPD picking up the difference in the rent for additional essential space in a few situations despite a lack of funding for that purpose.
- ◆ Counties fight with MSPD and among themselves when more than one county covered by an office has available 'free' county space and doesn't want to contribute cash to another county instead. These disputes have escalated to lawsuits between counties on at least one occasion.
- ◆ Some counties flatly refusing to pay any rent for an office not located in their county, with the result that MSPD must pick up their portion of the lease cost, despite a lack of funding for this purpose. There is a provision for the state to intercept prisoner per diem reimbursement costs to cover unpaid county liabilities for public defender office space. MSPD tried to invoke this at one point in the past, but was asked by the then gubernatorial administration to forego the remedy because of the hostility being caused between the state and the counties as a result of the intercept.
- ◆ Receiving an eviction notice because six counties refused to pay, between them, a total increase of \$48.67 per month imposed by the landlord. To prevent the eviction, MSPD agreed to pay the difference.

NEW DECISION ITEM

RANK: 11

OF 12

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Office Space Requirements & Employee Parking

DI#: 1151011

♦ Some counties provide space that is in very poor shape and unfit for a law office. We have been placed in office space where the ceiling tiles were crumbling onto the attorneys' desks, where the 'closed file room' was a basement with a dirt floor that turned to mud with every rain, in offices with asbestos, cockroaches, and termite infestations. Such unsuitable and difficult working conditions undoubtedly contribute to our turnover, as well as to reduced productivity, yet MSPD's hands are tied.

♦ The State picks up parking expenses for all of its employees working in areas where free parking is not available at their office space – all but its public defenders. The governor's veto of parking funds for public defenders this past session posited that parking costs were the responsibility of the counties who provided the office space. The counties say it is not their responsibility and refuse to pay it. The state's public defenders are left forking over \$75 a month to pay for parking while the judges making three times their salary have their parking paid.

The State Public Defender is not interested in securing fancy, luxurious offices. It's interest is to have facilities adequate to ensure efficient, effective use of personnel and other resources appropriated to the Department.

Most Public Defender districts are multi-county. Since the current statute requires each county to pay their pro rata share, inter-county cooperation is essential. It is not always forthcoming.

Although establishment of Public Defender offices is the authority of the State Public Defender Commission, (RSMo. 600.023), counties have sought to provide office space at the location of their choice; typically their own county. They have refused to pay their pro rata share to the host county when they are unhappy with the office location. On at least one occasion, these county disputes have risen to the point of lawsuits being filed.

The State Public Defender Commission is interested in locating offices in multi-county Districts where they will be the most effective and efficient use of state resources. Counties do not share that interest, preferring the office to be located where it will cost the least and have the most positive economic impact on their local economy, efficiency and the desires of other counties and the State Public Defender notwithstanding.

NEW DECISION ITEM

RANK: 11 OF 12

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Office Space Requirements & Employee Parking

DI#: 1151011

In summary, the current statutory scheme requires counties to cooperate with each other, and with this Department, to provide office space for a Department of State Government. They do so under the threat of prisoner per diem interceptions. It is a formula for conflict between the State Public Defender and counties, as well as between counties of multi-county districts. The problem is sure to get worse in the future. The caseload projections for fiscal year 2006 exceed 94,000. Moreover, a three year trend shows public defender caseload is decreasing in city offices, while it is up sharply in nearly all multi-county districts. More cases will mean more personnel. Under the current statute, Missouri's Public Defender Commission is unable to establish and/or expand offices as needed, where needed.

The physical plant of local public defender offices varies greatly, depending upon the ability and/or willingness of local county governments to provide office space. Some public defender offices have adequate space, which greatly enhances their efficiency. Other offices have woefully inadequate space and their ability to effectively and efficiently accomplish their mission is greatly reduced. Under the current statute, the administration can do little to ensure the adequacy and uniformity of office space in local public defender offices.

The Office of the State Public Defender currently has 179 employees located in metropolitan areas where they are required to pay for their own parking. During the last legislative session, the Senate Appropriations Committee added an amount of money to cover this expense to our employees. The Conference Committee agreed, but the funding was again vetoed by the Governor stating that under Section 600.040.1, RSMo these expenses are the responsibility of the participating counties.

We are asking that this decision item be reconsidered since the state currently pays for parking for judges and other judicial employees who, like public defenders, are state employees but work in facilities that are provided by the county. Public defenders are the ONLY state employees who have to pay their own parking, a situation that is markedly unfair when others employed by the same state government who work just down the hall in the same courthouse have their parking paid for them.

A change in the legislation, specifically repealing portions of RSMo. 600.040.1, is recommended. Although probably adequate at the time the public defender system was first organized, this Department has grown far beyond its humble beginnings and the original intent of RSMo. 600.040.1.

The legislature, judiciary and public demand a swift, efficient administration of justice. In order to meet that demand, the Missouri Public Defender System needs adequate, efficient physical plants in all its offices. This need is simply not being met under the current statutory scheme.

Department: Office of the State Public Defender

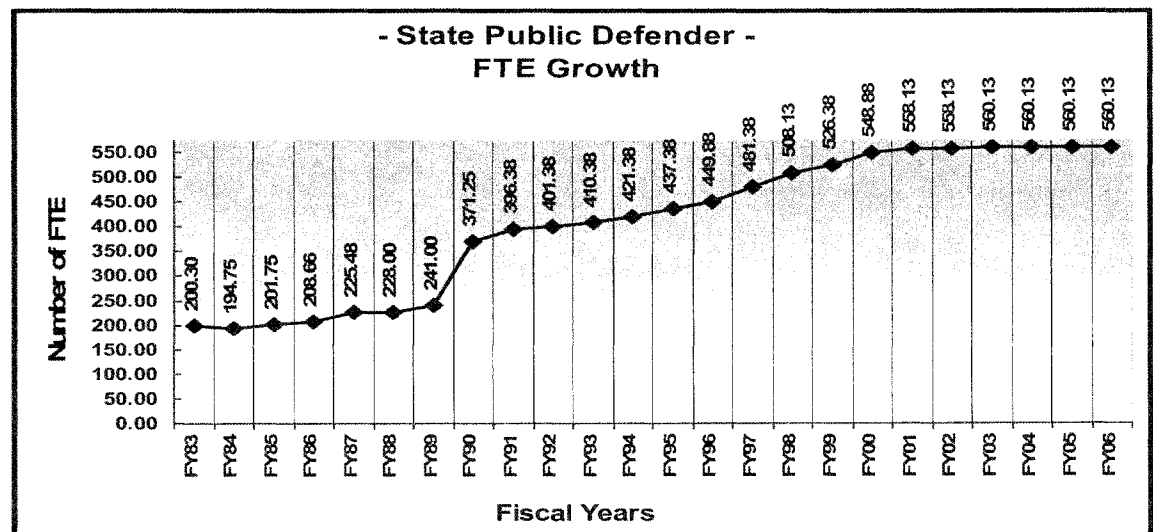
Division: Legal Services

DI Name: Office Space Requirements & Employee Parking

DI#: 1151011

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

Fiscal Year	Number of FTE	Fiscal Year	Number of FTE
FY83	200.30	FY96	449.88
FY84	194.75	FY97	481.38
FY85	201.75	FY98	508.13
FY86	208.66	FY99	526.38
FY87	225.48	FY00	548.88
FY88	228.00	FY01	558.13
FY89	241.00	FY02	558.13
FY90	371.25	FY03	560.13
FY91	396.38	FY04	560.13
FY92	401.38	FY05	560.13
FY93	410.38	FY06	560.13
FY94	421.38	FY07	560.13
FY95	437.38		



NEW DECISION ITEM
RANK: 11 OF 12

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Office Space Requirements & Employee Parking

DI#: 1151011

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class	Job Class	Dept Req GR	Dept Req FED	Dept Req OTHER	Dept Req TOTAL	Dept Req One-Times	Gov Rec GR	Gov Rec FED	Gov Rec OTHER	Gov Rec TOTAL	Gov Rec One-Times
Salaries/Wages					0		0	0	0	0	0
Total PS		0	0	0	0	0	0	0	0	0	0
Total FTE					0.0					0.0	
180 - Fuel & Utilities		72,725			72,725		0	0	0	0	0
420 - Janitorial Services		74,040			74,040		0	0	0	0	0
680 - Rentals & Leases		1,720,996			1,720,996		0	0	0	0	0
Total EE		1,867,761	0	0	1,867,761	0	0	0	0	0	0
Program Distributions					0		0	0	0	0	0
Total PSD		0	0	0	0	0	0	0	0	0	0
Transfers		0	0	0	0		0	0	0	0	0
Total TRF		0	0	0	0	0	0	0	0	0	0
Grand Total		1,867,761	0	0	1,867,761	0	0	0	0	0	0

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Office Space Requirements & Employee Parking

DI#: 1151011

Cost of Renting Office Space for All Local Public Defender Offices							
Revised August 31, 2006							
		Est.	Estimated	Estimated	Janitor/		
Office		Sq. Ft	Total Rent	Utilities	Trash	Total Cost	Comment
Kirksville	CL	1,777	\$11,400	\$0	\$1,200	\$12,600	Counties Lease -Lease Expired
Maryville	CL	1,590	\$8,400	\$0	\$1,200	\$9,600	Counties Lease
St. Joseph	CL	5,400	\$27,000	\$0	\$0	\$27,000	County Lease
Kansas City Juvenile	CO	2,261	\$30,524	\$0	\$0	\$30,524	In County Owned Space
Liberty	CO	3,856	\$52,056	\$0	\$0	\$52,056	In County Owned Space
Hannibal	CL	2,394	\$16,349	\$0	\$0	\$16,349	Counties Lease - Lease Expired
St. Charles	CO	3,295	\$49,425		\$0	\$49,425	In Courthouse
Fulton	CL	3,440	\$24,000	\$5,504	\$0	\$29,504	Counties Lease
Columbia	CO	3,895	\$58,425	\$0	\$1,200	\$59,625	In County Owned Space - Inadequate
Moberly	CL	1,822	\$26,724	\$2,915	\$1,200	\$30,839	Counties Lease
Sedalia	CL	2,500	\$21,000		\$2,520	\$23,520	Counties Lease - Lease Expired
Kansas City	CL	13,000	\$290,000	\$0	\$0	\$290,000	County Lease - Lease Expires 12/31/200
Harrisonville	CL	2,718	\$36,840	\$4,349	\$3,600	\$44,789	Counties Lease
Jefferson City	CO	2,635	\$35,573	\$0	\$0	\$35,573	County Owned Space
Union	CL	2,500	\$37,500		\$1,500	\$39,000	Counties Lease - Inadequate - Expired
St. Louis County	CO	11,053	\$165,795	\$17,685	\$0	\$183,480	In Courthouse
St. Louis City	CO	12,644	\$189,660	\$20,230	\$37,440	\$247,330	In Camahan Courthouse
Hillsboro	CO	1,964	\$26,514	\$0	\$0	\$26,514	In Courthouse
Farmington	CL	2,833	\$33,996	\$0	\$1,200	\$35,196	Counties Lease
Rolla	CL	2,854	\$23,400	\$4,566	\$2,100	\$30,066	Counties Lease
Lebanon	CL	3,050	\$20,400		\$2,100	\$22,500	Counties Lease
Nevada	CL	1,590	\$19,080		\$0	\$19,080	Counties Lease - Inadequate- Expired
Carthage	CO	3,920	\$52,920	\$6,272	\$0	\$59,192	In County Owned Space -Inadequate
Bolivar	CL	1,550	\$13,200	\$2,480	\$6,000	\$21,680	Counties Lease
Springfield	CL	5,100	\$102,563		\$2,100	\$104,663	Counties Lease
Jackson	CO	2,409	\$32,522		\$2,160	\$34,682	In County Owned Space
Caruthersville	CL	1,964	\$23,568		\$960	\$24,528	Counties Lease - Expired
Kennett	CL	1,777	\$21,324		\$600	\$21,924	Counties Lease
Poplar Bluff	CO	2,692	\$32,304		\$0	\$32,304	County Owned Space
West Plains	CL	1,777	\$10,800	\$2,843	\$1,500	\$15,143	Counties Lease
Monett	CL	1,898	\$13,200	\$3,037	\$1,680	\$17,917	Counties Lease
Chillicothe	CL	2,085	\$23,220		\$1,860	\$25,080	Counties Lease
Ava	CL	1,777	\$21,324	\$2,843	\$1,920	\$26,087	Counties Lease - Inadequate -Expired
Troy	CO	1,186	\$14,232	\$0	\$0	\$14,232	In County Owned Space
Columbia Defenderpl	SL		\$250,000	\$0	\$0	\$250,000	State Public Defender Pays
St. Louis Defenderple	SL	10,788	\$259,171	\$0	\$0	\$259,171	State Public Defender Pays
KC Defenderplex	SL	7,319	\$91,872	\$0	\$0	\$91,872	State Public Defender Pays
		135,313	\$2,166,280	\$72,725	\$74,040	\$2,313,044	CO=County Owned
						\$601,043	SL= State Lease
							CL= County Leases
			Total Implementation Costs			\$1,712,001	

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Office Space Requirements & Employee Parking

DI#: 1151011

Public Defender Offices - Where Employees Currently Pay for Parking.			
	# of Employees	State Pays	Balance
St. Louis Juvenile Office	8	3	5
Carnahan Courthouse			
1114 Market St, Ste 506			
St. Louis			
St. Charles Trial Office	11	1	10
300 N. Second Street			
St. Charles			
Columbia Trial Office	17	0	17
601 E. Walnut			
Columbia			
Jackson County Trial Office	45	4	41
Oak Tower, 20th Floor			
324 E. 11th Street			
Kansas City			
St. Louis County Trial Office	25	5	20
100 S. Central, 2nd Floor			
Clayton			
St. Louis City Trial Office	42	4	38
Mel Carnahan Courthouse			
1114 Market St, Ste 602			
St. Louis			
St. Louis Appellate Office	24	5	19
Grand Central Building			
1000 St. Louis Union Station, Ste 300			
St. Louis			
Kansas City Appellate Office	12	3	9
Scarritt Building, Suite 200			
818 Grand Avenue			
Kansas City			
St. Louis Capital Litigation	17	3	14
1000 St. Louis Union Station, Ste 300			
St. Louis, MO			
Kansas City Capital Litigation	8	2	6
Scarritt Building, Suite 200			
818 Grand Avenue			
Kansas City			
	209	30	179

Cost Detail

Parking costs an average of \$72.50 per month per employee.

$$\$72.50 * 12 \text{ months} * 179 \text{ employee} = \$155,760.$$

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
OFFICE OF THE DIRECTOR								
Office Space & Parking - 1151011								
FUEL & UTILITIES	0	0.00	0	0.00	72,725	0.00	0	0.00
JANITORIAL SERVICES	0	0.00	0	0.00	74,040	0.00	0	0.00
REAL PROPERTY RENTALS & LEASES	0	0.00	0	0.00	1,720,996	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	1,867,761	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$1,867,761	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$1,867,761	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit									
Decision Item	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008	
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC	
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	
GRANTS									
CORE									
PROGRAM-SPECIFIC									
PUBLIC DEFENDER-FEDERAL & OTHR	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00	
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00	
TOTAL	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00	
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$125,000	0.00	

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CORE DECISION ITEM

Department: Office of the State Public Defender

Division : Federal & Other

Core - Core Request

1. CORE FINANCIAL SUMMARY

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	125,000	0	125,000
TRF	0	0	0	0
Total	0	125,000	0	125,000
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	125,000	125,000
TRF	0	0	0	0
Total	0	0	125,000	125,000
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

Appropriation is requested to have spending authority - should federal funds become available during fiscal year 2008 to assist in funding the state Public Defender System.

3. PROGRAM LISTING (list programs included in this core funding)

CORE DECISION ITEM

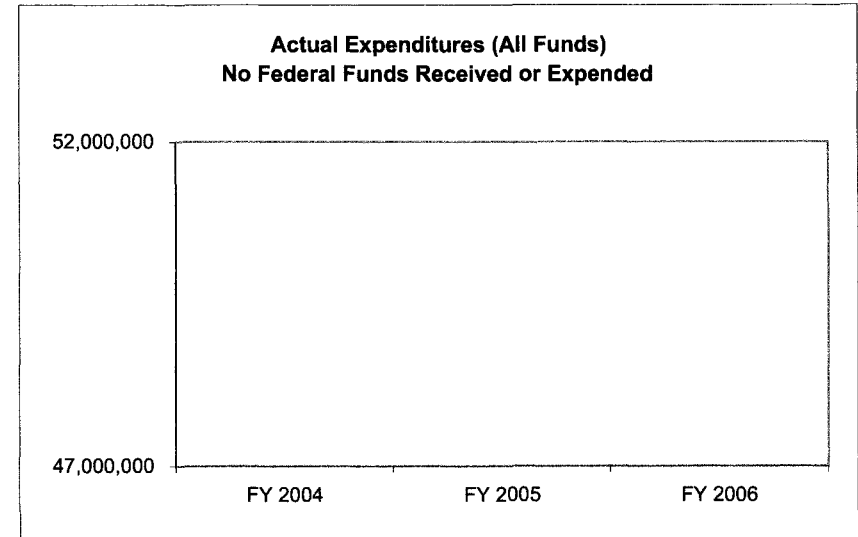
Department: Office of the State Public Defender

Division : Federal & Other

Core - Core Request

4. FINANCIAL HISTORY

	FY 2004 Actual	FY 2005 Actual	FY 2006 Actual	FY 2007 Current Yr.
Appropriation (All Funds)	125,000	125,000	125,000	125,000
Less Reverted (All Funds)	0	0	0	N/A
Budget Authority (All Funds)	125,000	125,000	125,000	N/A
Actual Expenditures (All Funds)	0	0	0	N/A
Unexpended (All Funds)	125,000	125,000	125,000	N/A
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary withholdings.

NOTES:

**STATE OF MISSOURI
FUND FINANCIAL SUMMARY**

DEPARTMENT: State Public Defender
FUND NAME: Federal and Other Funds
FUND NUMBER: 0112

☐ Statute _____
☐ Constitution _____

☒ Administratively Created
☐ Interest Deposited To Fund

☐ Subject To Biennial Sweep
☐ Subject to Other Sweeps (see notes)

	FY 2006 ADJUSTED APPROP	FY 2006 ACTUAL SPENDING	FY 2007 ADJUSTED APPROP	FY 2008 REQUESTED	FY 2008 GOVERNOR RECOMMEND
FUND OPERATIONS					
BEGINNING CASH BALANCE	19,906	19,906	19,906	125,000	125,000
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	0	0	0	0	0
TRANSFERS IN	0	0	0	0	0
TOTAL RECEIPTS	0	0	0	0	0
TOTAL RESOURCES AVAILABLE	19,906	19,906	19,906	125,000	125,000
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	0	0	0	0	0
TRANSFER APPROPS	0	0	0	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	0	0	0	0	0
BUDGET BALANCE	19,906	19,906	19,906	125,000	125,000
UNEXPENDED APPROPRIATION *	0	0	105,094	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	19,906	19,906	125,000	125,000	125,000
FUND OBLIGATIONS					
ENDING CASH BALANCE	19,906	19,906	125,000	125,000	125,000
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	0	0	0	0	0
UNOBLIGATED CASH BALANCE	19,906	19,906	125,000	125,000	125,000

Office of the State Public Defender
DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
GRANTS								
CORE								
PROGRAM DISTRIBUTIONS	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00
TOTAL - PD	0	0.00	125,000	0.00	125,000	0.00	125,000	0.00
GRAND TOTAL	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$125,000	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
FEDERAL FUNDS	\$0	0.00	\$125,000	0.00	\$125,000	0.00	\$125,000	0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
LEGAL DEFENSE & DEFENDER FUND								
CORE								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	53,516	2.11	122,073	2.00	122,073	2.00	122,073	2.00
TOTAL - PS	53,516	2.11	122,073	2.00	122,073	2.00	122,073	2.00
EXPENSE & EQUIPMENT								
LEGAL DEFENSE AND DEFENDER	1,092,201	0.00	1,819,276	0.00	1,819,276	0.00	1,819,276	0.00
TOTAL - EE	1,092,201	0.00	1,819,276	0.00	1,819,276	0.00	1,819,276	0.00
PROGRAM-SPECIFIC								
LEGAL DEFENSE AND DEFENDER	59,990	0.00	31,480	0.00	31,480	0.00	31,480	0.00
TOTAL - PD	59,990	0.00	31,480	0.00	31,480	0.00	31,480	0.00
TOTAL	1,205,707	2.11	1,972,829	2.00	1,972,829	2.00	1,972,829	2.00
GENERAL STRUCTURE ADJUSTMENT - 0000012								
PERSONAL SERVICES								
LEGAL DEFENSE AND DEFENDER	0	0.00	0	0.00	0	0.00	3,662	0.00
TOTAL - PS	0	0.00	0	0.00	0	0.00	3,662	0.00
TOTAL	0	0.00	0	0.00	0	0.00	3,662	0.00
Increased LDDF Ceiling - 1151012								
EXPENSE & EQUIPMENT								
LEGAL DEFENSE AND DEFENDER	0	0.00	0	0.00	1,000,000	0.00	1,000,000	0.00
TOTAL - EE	0	0.00	0	0.00	1,000,000	0.00	1,000,000	0.00
TOTAL	0	0.00	0	0.00	1,000,000	0.00	1,000,000	0.00
GRAND TOTAL	\$1,205,707	2.11	\$1,972,829	2.00	\$2,972,829	2.00	\$2,976,491	2.00

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CORE DECISION ITEM

Department: Office of the State Public Defender
Division : Legal Defense and Defender Fund
Core - Legal Defense & Defender Fund Core Request

1. CORE FINANCIAL SUMMARY

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	0	0	122,073	122,073
EE	0	0	1,850,756	1,850,756
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	1,972,829	1,972,829

FTE 0.00 0.00 2.00 2.00

Est. Fringe 0 0 59,767 59,767

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	0	0	122,073	122,073
EE	0	0	1,850,756	1,850,756
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	1,972,829	1,972,829

FTE 0.00 0.00 0.00 0.00

Est. Fringe 0 0 59,767 59,767

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

As the laws continue to change – training of public defender staff becomes more and more critical. These funds are collected from the indigent accused and are used at the discretion of the director for the operation of the department, including training...

Training of all employees within the State Public Defender System is an important part of the continued success of the system. An example of the type of training that the system provides would include:

- Trial Skills Workshop
- Advanced Trial Skills Training
- New Attorney Training
- Missouri Association of Criminal Defense Lawyers Continuing Legal Education
- Appellate Record Preservation
- National Association of Criminal Defense
- Life in the Balance (Death Penalty)

CORE DECISION ITEM

Department: Office of the State Public Defender
Division : Legal Defense and Defender Fund
Core - Legal Defense & Defender Fund Core Request

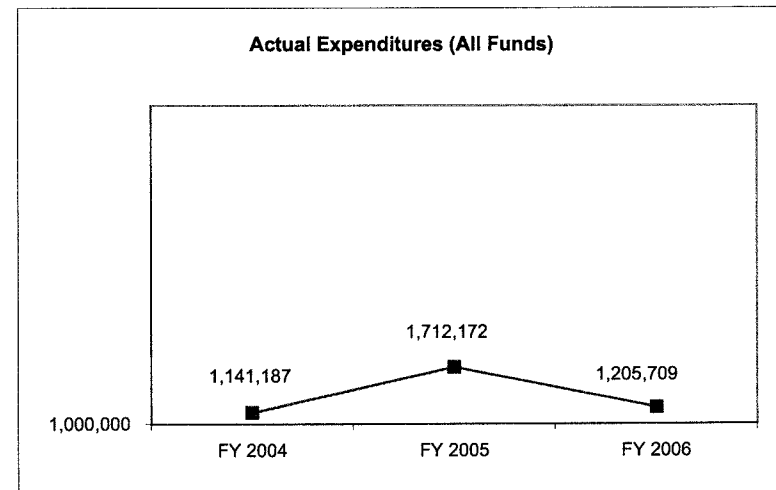
3. PROGRAM LISTING (list programs included in this core funding)

Training for Public Defenders and their staff. Examples of training funded

New Employee Orientation
 Computer Training
 New Defender Workshop
 Trial Skills Workshop
 Defender Management
 Missouri Association of Criminal Defense Lawyer's Programs

4. FINANCIAL HISTORY

	FY 2004 Actual	FY 2005 Actual	FY 2006 Actual	FY 2007 Current Yr.
Appropriation (All Funds)	1,215,734	1,968,134	1,968,134	1,972,829
Less Reverted (All Funds)	0	0	0	N/A
Budget Authority (All Funds)	1,215,734	1,968,134	1,968,134	N/A
Actual Expenditures (All Funds)	1,141,187	1,712,172	1,205,709	N/A
Unexpended (All Funds)	74,547	255,962	762,425	N/A
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary withholdings.

NOTES:

Office of the State Public Defender
DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
LEGAL DEFENSE & DEFENDER FUND								
CORE								
SECRETARY	17,959	0.81	28,866	1.00	28,866	1.00	28,866	1.00
PROGRAM TECHNICIAN	35,557	1.30	23,163	1.00	23,163	1.00	23,163	1.00
OTHER	0	0.00	70,044	0.00	70,044	0.00	70,044	0.00
TOTAL - PS	53,516	2.11	122,073	2.00	122,073	2.00	122,073	2.00
TRAVEL, IN-STATE	272,950	0.00	319,524	0.00	319,524	0.00	319,524	0.00
TRAVEL, OUT-OF-STATE	43,083	0.00	113,212	0.00	113,212	0.00	113,212	0.00
SUPPLIES	101,118	0.00	116,861	0.00	116,861	0.00	116,861	0.00
PROFESSIONAL DEVELOPMENT	82,791	0.00	117,985	0.00	117,985	0.00	117,985	0.00
COMMUNICATION SERV & SUPP	15,898	0.00	2,047	0.00	2,047	0.00	2,047	0.00
PROFESSIONAL SERVICES	66,836	0.00	229,950	0.00	229,950	0.00	229,950	0.00
M&R SERVICES	108,038	0.00	0	0.00	0	0.00	0	0.00
COMPUTER EQUIPMENT	178,581	0.00	663,135	0.00	663,135	0.00	663,135	0.00
OFFICE EQUIPMENT	82,038	0.00	234,319	0.00	234,319	0.00	234,319	0.00
OTHER EQUIPMENT	4,968	0.00	0	0.00	0	0.00	0	0.00
REAL PROPERTY RENTALS & LEASES	9,963	0.00	0	0.00	0	0.00	0	0.00
EQUIPMENT RENTALS & LEASES	713	0.00	15,293	0.00	15,293	0.00	15,293	0.00
MISCELLANEOUS EXPENSES	125,224	0.00	6,950	0.00	6,950	0.00	6,950	0.00
TOTAL - EE	1,092,201	0.00	1,819,276	0.00	1,819,276	0.00	1,819,276	0.00
REFUNDS	59,990	0.00	31,480	0.00	31,480	0.00	31,480	0.00
TOTAL - PD	59,990	0.00	31,480	0.00	31,480	0.00	31,480	0.00
GRAND TOTAL	\$1,205,707	2.11	\$1,972,829	2.00	\$1,972,829	2.00	\$1,972,829	2.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$1,205,707	2.11	\$1,972,829	2.00	\$1,972,829	2.00	\$1,972,829	2.00

**STATE OF MISSOURI
FUND FINANCIAL SUMMARY**

DEPARTMENT: State Public Defender
FUND NAME: Legal Defense and Defender Fund
FUND NUMBER: 0670

☒ Statute 600.093
☐ Constitution

☐ Administratively Created
☐ Interest Deposited To Fund

☒ Subject To Biennial Sweep
☐ Subject to Other Sweeps (see notes)

	FY 2006 ADJUSTED APPROP	FY 2006 ACTUAL SPENDING	FY 2007 ADJUSTED APPROP	FY 2008 REQUESTED	FY 2008 GOVERNOR RECOMMEND
FUND OPERATIONS					
BEGINNING CASH BALANCE	162,199	162,199	742,604	150,000	569,775
RECEIPTS:					
REVENUE (Cash Basis: July 1 - June 30)	1,786,114	1,786,114	1,800,000	2,500,000	0
TRANSFERS IN	0	0	0	0	0
TOTAL RECEIPTS	1,786,114	1,786,114	1,800,000	2,500,000	0
TOTAL RESOURCES AVAILABLE	1,948,313	1,948,313	2,542,604	2,650,000	569,775
APPROPRIATIONS (INCLUDES REAPPROPS):					
OPERATING APPROPS	1,968,134	1,205,709	1,972,829	2,972,829	0
TRANSFER APPROPS	0	0	0	0	0
CAPITAL IMPROVEMENTS APPROPS	0	0	0	0	0
TOTAL APPROPRIATIONS	1,968,134	1,205,709	1,972,829	2,972,829	0
BUDGET BALANCE	(19,821)	742,604	569,775	(322,829)	569,775
UNEXPENDED APPROPRIATION *	0	0	0	0	0
OTHER ADJUSTMENTS	0	0	0	0	0
ENDING CASH BALANCE	(19,821)	742,604	569,775	(322,829)	569,775
FUND OBLIGATIONS					
ENDING CASH BALANCE	(19,821)	742,604	569,775	(322,829)	569,775
OTHER OBLIGATIONS					
OUTSTANDING PROJECTS	0	0	0	0	0
CASH FLOW NEEDS	0	0	0	0	0
TOTAL OTHER OBLIGATIONS	0	0	0	0	0
UNOBLIGATED CASH BALANCE	(19,821)	742,604	569,775	(322,829)	569,775

**STATE OF MISSOURI
FUND FINANCIAL SUMMARY**

DEPARTMENT: State Public Defender
FUND NAME: Legal Defense and Defender Fund
FUND NUMBER: 0670

FUND PURPOSE: Per RSMo 600.090 & 600.093... Liens shall be filed against all public defender clients for the reasonable value of the services received and/or if a client has the ability to make a limited cash contribution towards his defense. The moneys collected shall be credited to the legal defense and defender fund which shall be used for the purpose of training public defenders, deputy public defenders and other personnel and may be used for other lawful expenses as authorized by the Public Defender Commission.

NOTES:

* Do not include in the Prior Year Actual column as doing so would double count lapse & reserve.

NEW DECISION ITEM
RANK: 2 OF 12

Department: Office of the State Public Defender
Division: Legal Defense & Defender Fund
DI Name: General Structure Adjustment **DI#**

1. AMOUNT OF REQUEST

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	0	0	3,662	3,662
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	3,662	3,662
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	1,793	1,793
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input checked="" type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

Governor's Pay Plan Recommendations.

NEW DECISION ITEM
RANK: 2 OF 12

Department: Office of the State Public Defender	
Division: Legal Defense & Defender Fund	
DI Name: General Structure Adjustment	DI#

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)

3% of Total LDDF Public Defender Personal Service Appropriation

5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.

Budget Object Class	Job Class	Dept Req GR	Dept Req FED	Dept Req OTHER	Dept Req TOTAL	Dept Req One-Times	Gov Rec GR	Gov Rec FED	Gov Rec OTHER	Gov Rec TOTAL	Gov Rec One-Times
Salaries/Wages					0				3,662	0	
Total PS		0	0	0	0	0	0	0	3,662	3,662	0
Total FTE					0.0					0.0	
					0					0	
					0					0	
Total EE		0	0	0	0	0	0	0	0	0	0
Program Distributions					0					0	
Total PSD		0	0	0	0	0	0	0	0	0	0
Transfers		0	0	0	0		0	0	0	0	
Total TRF		0	0	0	0	0	0	0	0	0	0
Grand Total		0	0	0	0	0	0	0	3,662	3,662	0

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
LEGAL DEFENSE & DEFENDER FUND								
GENERAL STRUCTURE ADJUSTMENT - 0000012								
SECRETARY	0	0.00	0	0.00	0	0.00	866	0.00
PROGRAM TECHNICIAN	0	0.00	0	0.00	0	0.00	695	0.00
OTHER	0	0.00	0	0.00	0	0.00	2,101	0.00
TOTAL - PS	0	0.00	0	0.00	0	0.00	3,662	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$0	0.00	\$3,662	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$3,662	0.00

LDDF INCREASED
CEILING

NEW DECISION ITEM
RANK: 12 OF 12

Department: Office of the State Public Defender

Division: Legal Defense & Defender Fund

DI Name: Increased LDDF Ceiling

DI# 11510012

1. AMOUNT OF REQUEST

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	0	0		0
EE	0	0	1,000,000	1,000,000
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	1,000,000	1,000,000
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	0	0	0	0
EE	0	0	1,000,000	1,000,000
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	1,000,000	1,000,000
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input type="checkbox"/> Other: _____	

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

The Legal Defense & Defender Fund, made up of money collected from clients in return for services, mostly paid through the debt offset program, has a current expense and equipment appropriation ceiling of \$1,850,756. MSPD would like this appropriation increased (or estimated) to allow MSPD to make use of all funds collected under the program. This fiscal year the appropriation will pay for all of MSPD's computers and computer networking lines, large equipment purchases such as copy machines, our Westlaw contract, all of MSPD's training, MO Bar dues for our attorneys, etc.

NEW DECISION ITEM
RANK: 12 OF 12

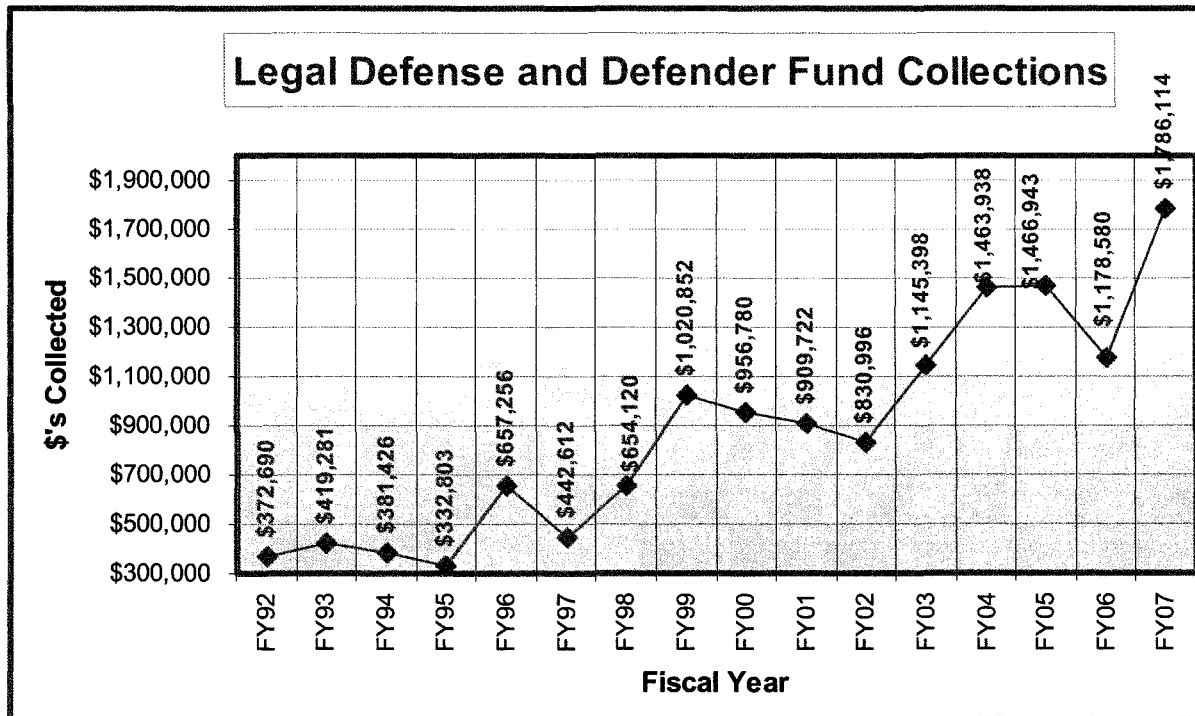
Department: Office of the State Public Defender

Division: Legal Defense & Defender Fund

DI Name: Increased LDDF Ceiling

DI# 11510012

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one-times and how those amounts were calculated.)



NEW DECISION ITEM

RANK: 12 OF 12

Department: Office of the State Public Defender

Division: Legal Defense & Defender Fund

DI Name: Increased LDDF Ceiling

DI# 11510012

As the laws continue to change—training for the public defender staff becomes more critical. Training of all employees within the State public Defender System is an important part of the continued success of the system.

The funds collected from the indigent accused and deposited in the Legal Defense and Defender Fund are used at the discretion of the director for the operation of the department, including training and the one time purchase of services and equipment.

This decision item will increase the ceiling of the expense and equipment appropriation. As collections increase the ceiling must rise to allow the State Public Defender to expend the funds collected.

NEW DECISION ITEM
RANK: 12 OF 12

Department: Office of the State Public Defender											
Division: Legal Defense & Defender Fund											
DI Name: Increased LDDF Ceiling						DI# 11510012					
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.											
Budget Object Class	Job Class	Dept Req GR	Dept Req FED	Dept Req OTHER	Dept Req TOTAL	Dept Req One-Times	Gov Rec GR	Gov Rec FED	Gov Rec OTHER	Gov Rec TOTAL	Gov Rec One-Times
Salaries/Wages					0					0	
Total PS		0	0	0	0	0	0	0	0	0	0
Total FTE					0.0					0.0	
140 - Travel - Instate				170,500	170,500				170,500	170,500	
160 - Travel - Out of State				60,500	60,500				60,500	60,500	
190 - Supplies				62,500	62,500				62,500	62,500	
320 - Professional Development				63,000	63,000				63,000	63,000	
340 - Communications				1,000	1,000				1,000	1,000	
400 - Professional Services				75,500	75,500				75,500	75,500	
480 - Computer Equipment				352,500	352,500				352,500	352,500	
580 - Office Equipment				125,000	125,000				125,000	125,000	
690 - Equipment Lease				8,500	8,500				8,500	8,500	
740 - Miscellaneous				81,000	81,000				81,000	81,000	
Total EE		0	0	1,000,000	1,000,000	0	0	0	1,000,000	1,000,000	0
Program Distributions					0					0	
Total PSD		0	0	0	0	0	0	0	0	0	0
Transfers		0	0	0	0		0	0	0	0	
Total TRF		0	0	0	0	0	0	0	0	0	0
Grand Total		0	0	1,000,000	1,000,000	0	0	0	1,000,000	1,000,000	0

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
LEGAL DEFENSE & DEFENDER FUND								
Increased LDDF Ceiling - 1151012								
TRAVEL, IN-STATE	0	0.00	0	0.00	170,500	0.00	170,500	0.00
TRAVEL, OUT-OF-STATE	0	0.00	0	0.00	60,500	0.00	60,500	0.00
SUPPLIES	0	0.00	0	0.00	62,500	0.00	62,500	0.00
PROFESSIONAL DEVELOPMENT	0	0.00	0	0.00	63,000	0.00	63,000	0.00
COMMUNICATION SERV & SUPP	0	0.00	0	0.00	1,000	0.00	1,000	0.00
PROFESSIONAL SERVICES	0	0.00	0	0.00	75,500	0.00	75,500	0.00
COMPUTER EQUIPMENT	0	0.00	0	0.00	352,500	0.00	352,500	0.00
OFFICE EQUIPMENT	0	0.00	0	0.00	125,000	0.00	125,000	0.00
EQUIPMENT RENTALS & LEASES	0	0.00	0	0.00	8,500	0.00	8,500	0.00
MISCELLANEOUS EXPENSES	0	0.00	0	0.00	81,000	0.00	81,000	0.00
TOTAL - EE	0	0.00	0	0.00	1,000,000	0.00	1,000,000	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$1,000,000	0.00	\$1,000,000	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$1,000,000	0.00	\$1,000,000	0.00

Office of the State Public Defender

DECISION ITEM SUMMARY

Budget Unit									
Decision Item	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008	
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC	
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	
EXTRAORDINARY EXPENSE/CONFLIC									
CORE									
EXPENSE & EQUIPMENT									
GENERAL REVENUE	2,241,104	0.00	2,241,502	0.00	2,241,502	0.00	2,241,502	0.00	
TOTAL - EE	2,241,104	0.00	2,241,502	0.00	2,241,502	0.00	2,241,502	0.00	
TOTAL	2,241,104	0.00	2,241,502	0.00	2,241,502	0.00	2,241,502	0.00	
Excessive Caseload Approp. - 1151009									
EXPENSE & EQUIPMENT									
GENERAL REVENUE	0	0.00	0	0.00	10,334,000	0.00	0	0.00	
TOTAL - EE	0	0.00	0	0.00	10,334,000	0.00	0	0.00	
TOTAL	0	0.00	0	0.00	10,334,000	0.00	0	0.00	
GRAND TOTAL	\$2,241,104	0.00	\$2,241,502	0.00	\$12,575,502	0.00	\$2,241,502	0.00	

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CORE DECISION ITEM

Department: Office of the State Public Defender
Division: Extraordinary Expenses Homicide/Conflict Fund
Core - Core Request

1. CORE FINANCIAL SUMMARY

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	2,241,502	0	0	2,241,502
PSD	0	0	0	0
TRF	0	0	0	0
Total	2,241,502	0	0	2,241,502
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	0	0	0	0
EE	2,241,502	0	0	2,241,502
PSD	0	0	0	0
TRF	0	0	0	0
Total	2,241,502	0	0	2,241,502
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

In Fiscal Year 1989 the Governor and the Legislature established a separate appropriation line for costs associated with conflict case reassignments and extraordinary expenses related to providing representation in criminal cases. The appropriation is used to provide for the defense of criminal cases and expenses such as expert witnesses, depositions and other expenses arising from changes of venue.

There are approximately 250 homicide cases assigned to the system each year and more than 650 conflict of interest cases which must be reassigned each to the private bar.

3. PROGRAM LISTING (list programs included in this core funding)

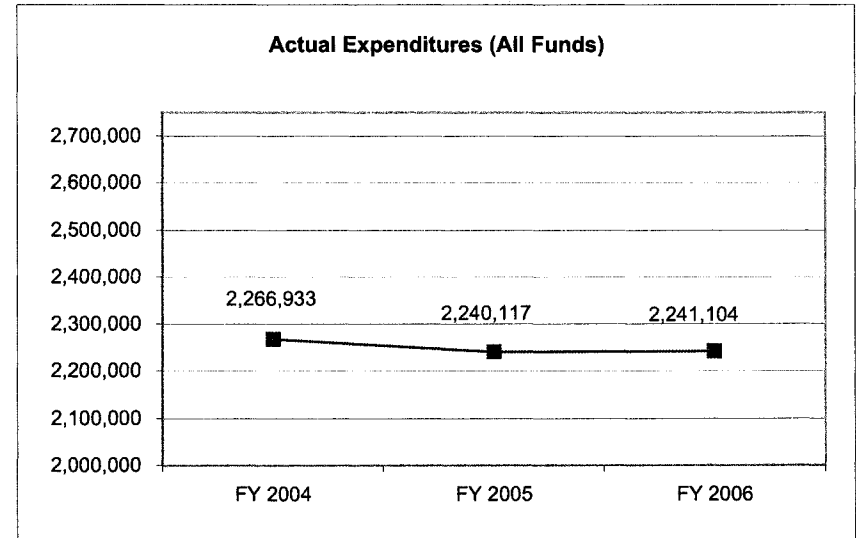
Representation of indigent persons accused of crimes within the State of Missouri.

CORE DECISION ITEM

Department: Office of the State Public Defender
Division: Extraordinary Expenses Homicide/Conflict Fund
Core - Core Request

4. FINANCIAL HISTORY

	FY 2004 Actual	FY 2005 Actual	FY 2006 Actual	FY 2007 Current Yr.
Appropriation (All Funds)	2,309,850	2,559,850	2,241,502	2,241,502
Less Reverted (All Funds)	0	0	0	N/A
Budget Authority (All Funds)	2,309,850	2,559,850	2,241,502	N/A
Actual Expenditures (All Funds)	2,266,933	2,240,117	2,241,104	
Unexpended (All Funds)	42,917	319,733	398	N/A
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary withholdings.

NOTES:

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
EXTRAORDINARY EXPENSE/CONFLIC								
CORE								
TRAVEL, IN-STATE	160,322	0.00	155,406	0.00	155,406	0.00	155,406	0.00
TRAVEL, OUT-OF-STATE	38,468	0.00	49,134	0.00	49,134	0.00	49,134	0.00
FUEL & UTILITIES	6,733	0.00	0	0.00	0	0.00	0	0.00
SUPPLIES	28,578	0.00	37,195	0.00	37,195	0.00	37,195	0.00
COMMUNICATION SERV & SUPP	15,760	0.00	19,470	0.00	19,470	0.00	19,470	0.00
PROFESSIONAL SERVICES	1,720,938	0.00	1,728,227	0.00	1,728,227	0.00	1,728,227	0.00
M&R SERVICES	17,504	0.00	30,060	0.00	30,060	0.00	30,060	0.00
REAL PROPERTY RENTALS & LEASES	231,950	0.00	222,010	0.00	222,010	0.00	222,010	0.00
EQUIPMENT RENTALS & LEASES	3,648	0.00	0	0.00	0	0.00	0	0.00
MISCELLANEOUS EXPENSES	17,203	0.00	0	0.00	0	0.00	0	0.00
TOTAL - EE	2,241,104	0.00	2,241,502	0.00	2,241,502	0.00	2,241,502	0.00
GRAND TOTAL	\$2,241,104	0.00	\$2,241,502	0.00	\$2,241,502	0.00	\$2,241,502	0.00
GENERAL REVENUE	\$2,241,104	0.00	\$2,241,502	0.00	\$2,241,502	0.00	\$2,241,502	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00

NEW DECISION ITEM
RANK: 9 OF 12

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Excessive Caseload Appropriation

DI#: 11510009

1. AMOUNT OF REQUEST

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	\$1E	0	0	\$1E
PSD	0	0	0	0
TRF	0	0	0	0
Total	\$1E	0	0	\$1E
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	0	0
TRF	0	0	0	0
Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00

Est. Fringe	0	0	0	0
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Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. THIS REQUEST CAN BE CATEGORIZED AS:

<input type="checkbox"/> New Legislation	<input type="checkbox"/> New Program	<input type="checkbox"/> Fund Switch
<input type="checkbox"/> Federal Mandate	<input checked="" type="checkbox"/> Program Expansion	<input type="checkbox"/> Cost to Continue
<input type="checkbox"/> GR Pick-Up	<input type="checkbox"/> Space Request	<input type="checkbox"/> Equipment Replacement
<input type="checkbox"/> Pay Plan	<input checked="" type="checkbox"/> Other: <u>Ethical Relief Valve</u>	

NEW DECISION ITEM
RANK: 9 OF 12

Department: Office of the State Public Defender

Division: Legal Services

DI Name: Excessive Caseload Appropriation

DI#: 11510009

3. WHY IS THIS FUNDING NEEDED? PROVIDE AN EXPLANATION FOR ITEMS CHECKED IN #2. INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

CASELOAD CRISIS: As previously stated in other caseload increase decision items, MSPD has had no addition to its staff in six years while its caseload has risen by over 12,000 cases. According to an independent assessment by the Spangenberg Group in October, 2005, MSPD is operating in crisis mode and "the probability that public defenders are failing to provide effective assistance of counsel and are violating their ethical obligations to their clients increases every day."

Unlike every other state agency, MSPD only does one thing and it is constitutionally mandated. ***MSPD has no mechanism with which to control or reduce its workload*** to correspond with its staffing levels, short of refusing cases and throwing the state of Missouri into federal court for constitutionally violating the right of indigent clients to effective assistance of counsel.

4. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why. Detail which portions of the request are one times and how those amounts were calculated.)

In the event that no additional assistant public defenders are allocated to the Missouri State Public Defender, it is critical that the department has a built in relief valve. If the caseload crisis continues, MSPD **MUST** have funding available to assign the overload to private counsel willing to provide representation.

In July 2005, the Public Defender Commission recognized that high caseloads are a continuing concern and that there are too many cases and too few staff to handle them without compromising the attorney's ability to provide ethical, competent representation as benchmarked by the Public Defender Guidelines for Representation and similar national standards.

The Commission further stated that when an office exceeds 235 cases annually per attorney the office will be reviewed for corrective actions. One of the corrective actions would be to assign the "overload" to private counsel.

The Trial Division of the Missouri State Public Defender is staffed at a level to provide representation for 65,700 cases. (292 attorneys * 225 NAC standard for a mixed caseload = 65,700) This means in FY2006 there was a potential to assign out 20,668 cases. (86,368 actual cases assigned to the Trial Division in FY2006—65,700 = 20,668) If the average cost of an assignment were just \$500 the total cost of this decision item would be \$10,334,000.

NEW DECISION ITEM
RANK: 9 OF 12

Department: Office of the State Public Defender Division: Legal Services DI Name: Excessive Caseload Appropriation DI#: 11510009												
5. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.												
Budget Object Class	Job Class	Dept Req GR	Dept Req FED	Dept Req OTHER	Dept Req TOTAL	Dept Req One-Times	Gov Rec GR	Gov Rec FED	Gov Rec OTHER	Gov Rec TOTAL	Gov Rec One-Times	
Salaries/Wages					0		0	0	0	0	0	
Total PS		0	0	0	0	0	0	0	0	0	0	
Total FTE					0.0					0.0		
Estimated Appropriation		\$1E			\$1E		0	0	0	0	0	
					0						0	
					0							
Total EE		\$1E	0	0	\$1E	0	0	0	0	0	0	
Program Distributions					0					0		
Total PSD		0	0	0	0	0	0	0	0	0	0	
Transfers		0	0	0	0		0	0	0	0		
Total TRF		0	0	0	0	0	0	0	0	0	0	
Grand Total		\$1E	0	0	\$1E	0	0	0	0	0	0	

Office of the State Public Defender

DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
EXTRAORDINARY EXPENSE/CONFLIC								
Excessive Caseload Approp. - 1151009								
PROFESSIONAL SERVICES	0	0.00	0	0.00	10,334,000	0.00	0	0.00
TOTAL - EE	0	0.00	0	0.00	10,334,000	0.00	0	0.00
GRAND TOTAL	\$0	0.00	\$0	0.00	\$10,334,000	0.00	\$0	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$10,334,000	0.00		0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00
OTHER FUNDS	\$0	0.00	\$0	0.00	\$0	0.00		0.00

Office of the State Public Defender
DECISION ITEM SUMMARY

Budget Unit								
Decision Item	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Budget Object Summary	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Fund	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
DEBT OFFSET ESCROW FUND								
CORE								
PROGRAM-SPECIFIC								
DEBT OFFSET ESCROW	1,174,068	0.00	350,000	0.00	350,000	0.00	350,000	0.00
TOTAL - PD	1,174,068	0.00	350,000	0.00	350,000	0.00	350,000	0.00
TOTAL	1,174,068	0.00	350,000	0.00	350,000	0.00	350,000	0.00
GRAND TOTAL	\$1,174,068	0.00	\$350,000	0.00	\$350,000	0.00	\$350,000	0.00

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CORE DECISION ITEM

Department: Office of the State Public Defender

Division: Debt Offset Escrow Fund

Core - Core Request

1. CORE FINANCIAL SUMMARY

	FY 2008 Budget Request			
	GR	Federal	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	350,000	350,000
TRF	0	0	0	0
Total	0	0	350,000	350,000

FTE 0.00 0.00 0.00 0.00

Est. Fringe 0 0 0 0

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

	FY 2008 Governor's Recommendation			
	GR	Fed	Other	Total
PS	0	0	0	0
EE	0	0	0	0
PSD	0	0	350,000	350,000
TRF	0	0	0	0
Total	0	0	350,000	350,000

FTE 0.00 0.00 0.00 0.00

Est. Fringe 0 0 0 0

Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.

Other Funds:

2. CORE DESCRIPTION

HB 874 was passed which effectively removed the Treasurer's Office as the intermediary agency in processing releases from the Debt Offset Escrow Fund. Beginning with the FY95 Budget, the Treasurer's Office will no longer be requesting an appropriation from the Fund. Consequently, each agency involved in the Debt Offset Program is to request an appropriation from the Debt Offset Fund in their legislative Budget Package.

3. PROGRAM LISTING (list programs included in this core funding)

In Fiscal Year 2006, the State Public Defender System intercepted approximately \$1,126,095 of Missouri State Income Tax refunds from the Department of Revenue going to past clients who had outstanding debts to the State Public Defender System.

CORE DECISION ITEM

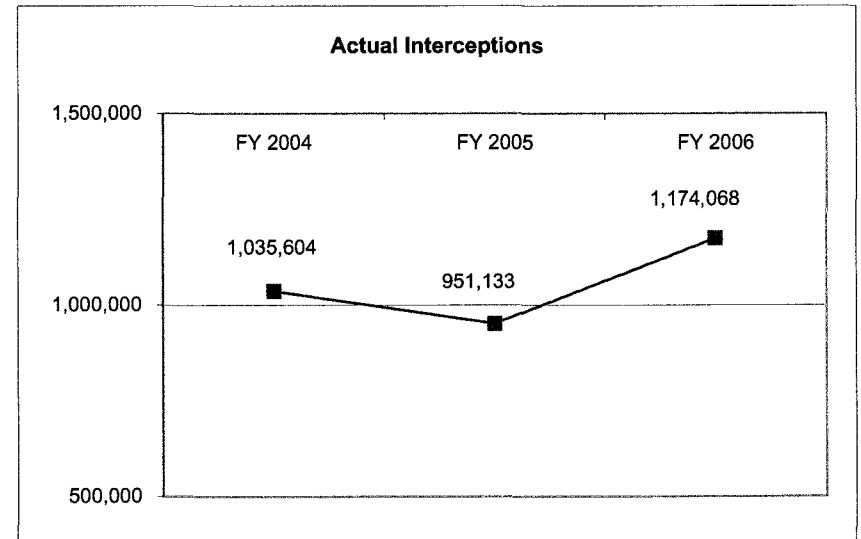
Department: Office of the State Public Defender

Division: Debt Offset Escrow Fund

Core - Core Request

4. FINANCIAL HISTORY

	FY 2004 Actual	FY 2005 Actual	FY 2006 Actual	FY 2007 Current Yr.
Appropriation (All Funds)	350,000	350,000	350,000	350,000
Less Reverted (All Funds)	0	0	0	N/A
Budget Authority (All Funds)	350,000	350,000	350,000	N/A
Actual Expenditures (All Funds)	1,035,604	951,133	1,174,068	N/A
Unexpended (All Funds)	(685,604)	(601,133)	(824,068)	N/A
Unexpended, by Fund:				
General Revenue	0	0	0	N/A
Federal	0	0	0	N/A
Other	0	0	0	N/A



Reverted includes Governor's standard 3 percent reserve (when applicable) and any extraordinary withholdings.

NOTES:

Office of the State Public Defender
DECISION ITEM DETAIL

Budget Unit	FY 2006	FY 2006	FY 2007	FY 2007	FY 2008	FY 2008	FY 2008	FY 2008
Decision Item	ACTUAL	ACTUAL	BUDGET	BUDGET	DEPT REQ	DEPT REQ	GOV REC	GOV REC
Budget Object Class	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE	DOLLAR	FTE
DEBT OFFSET ESCROW FUND								
CORE								
REFUNDS	1,174,068	0.00	350,000	0.00	350,000	0.00	350,000	0.00
TOTAL - PD	1,174,068	0.00	350,000	0.00	350,000	0.00	350,000	0.00
GRAND TOTAL	\$1,174,068	0.00	\$350,000	0.00	\$350,000	0.00	\$350,000	0.00
GENERAL REVENUE	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
FEDERAL FUNDS	\$0	0.00	\$0	0.00	\$0	0.00	\$0	0.00
OTHER FUNDS	\$1,174,068	0.00	\$350,000	0.00	\$350,000	0.00	\$350,000	0.00

SUPPLEMENTAL NEW DECISION ITEM

Department: Office of the State Public Defender					Budget Unit <u>1512003</u>				
Division: Legal Services									
DI Name: Excessive Caseload - Emergency Relief					Original FY 07 House Bill Section, if applicable <u>12.400</u>				
DI#									
1. AMOUNT OF REQUEST									
FY 2007 Supplemental Budget Request					FY 2007 Supplemental Governor's Recommendation				
	GR	Federal	Other	Total		GR	Fed	Other	Total
PS	0	0	0	0	PS	0	0	0	0
EE	3,875,250	0	0	3,875,250	EE	0	0	0	0
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	3,875,250	0	0	3,875,250	Total	0	0	0	0
FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00
POSITIONS	0	0	0	0	POSITIONS	0	0	0	0
NUMBER OF MONTHS POSITIONS ARE NEEDED: _____					NUMBER OF MONTHS POSITIONS ARE NEEDED: _____				
Est. Fringe	0	0	0	0	Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				
Other Funds:					Other Funds:				

SUPPLEMENTAL NEW DECISION ITEM

Department: Office of the State Public Defender		Budget Unit	1512003
Division: Legal Services			
DI Name: Excessive Caseload - Emergency Relief	DI#	Original FY 07 House Bill Section, if applicable	12.400

2. WHY IS THIS SUPPLEMENTAL FUNDING NEEDED? INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.

CASELOAD CRISIS: As previously stated in other caseload increase decision items, MSPD has had no addition to its staff in six years while its caseload has risen by over 12,000 cases. According to an independent assessment by the Spangenberg Group in October, 2005, MSPD is operating in crisis mode and "the probability that public defenders are failing to provide effective assistance of counsel and are violating their ethical obligations to their clients increases every day."

Unlike every other state agency, MSPD only does one thing and it is constitutionally mandated. MSPD has no mechanism with which to control or reduce its workload to correspond with its staffing levels, short of refusing cases and throwing the state of Missouri into federal court for constitutionally violating the right of indigent clients to effective assistance of counsel.

Relief is required now, before the beginning of the next fiscal year.

The Senate Interim Committee on the Public Defender System, chaired by Senator Jack Goodman and comprised of Senators Gibbons, Ridgeway, Graham and Bray, has relied on the Department of Justice's National Advisory Counsel's caseload standards for public defenders as a reasonable measure of the maximum caseload a public defender can effectively handle or a mixed caseload of 225 cases per year. Using that national standard as a benchmark, our lawyers currently average 67 cases per lawyer above the maximum they should be handling. Many of our felony attorneys are carrying twice the national standard for recommended caseloads.

A recent American Bar Association ethical advisory opinion reiterated that public defenders have the same ethical and professional obligations as any private attorney not to accept more cases than they can effectively handle. In short, Missouri's public defenders are subject to professional discipline for taking on excessive caseloads. However, Missouri has no relief value in place to handle the excess cases the public defenders should not take. If the Missouri State Public Defender simply refuses to take these excessive cases, without funding to contract those cases to private attorneys, prosecution of these cases will come to a grinding halt. Defendants would either have to be released or held indefinitely without provision of counsel, a situation likely to provoke a federal lawsuit against the state.

Supplemental funds in the amount of \$3,875,250 will avert the immediate crisis, allowing the Missouri State Public Defender system to contract excess cases for the remainder of the current fiscal year while a more permanent solution is worked out for FY08 and beyond.

SUPPLEMENTAL NEW DECISION ITEM

Department: Office of the State Public Defender		Budget Unit <u>1512003</u>
Division: Legal Services		
DI Name: Excessive Caseload - Emergency Relief	DI#	Original FY 07 House Bill Section, if applicable <u>12.400</u>

3. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? How many positions do the requested FTE equal and for how many months do you need the supplemental funding? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why.)

In the event that no additional assistant public defenders are allocated to the Missouri State Public Defender, it is critical that the department has a built in relief valve. If the caseload crisis continues, MSPD **MUST** have funding available to assign the overload to private counsel willing to provide representation.

In July 2005, the Public Defender Commission recognized that high caseloads are a continuing concern and that there are too many cases and too few staff to handle them without compromising the attorney's ability to provide ethical, competent representation as benchmarked by the Public Defender Guidelines for Representation and similar national standards.

The Commission further stated that when an office exceeds 235 cases annually per attorney the office will be reviewed for corrective actions. One of the corrective actions would be to assign the "overload" to private counsel.

The Trial Division of the Missouri State Public Defender is staffed at a level to provide representation for 65,700 cases. (292 attorneys * 225 NAC standard for a mixed caseload = 65,700) This means in FY2006 there was a potential to assign out 20,668 cases. (86,368 actual cases assigned to the Trial Division in FY2006—65,700 = 20,668

20,668 excessive cases per year / 4 quarters = 5,167 excessive cases. 5,167 * \$750 per case = \$3,875,250 - To get to the end of fiscal year 2007.

SUPPLEMENTAL NEW DECISION ITEM

Department: Office of the State Public Defender			Budget Unit 1512003						
Division: Legal Services									
DI Name: Excessive Caseload - Emergency Relief		DI#	Original FY 07 House Bill Section, if applicable 12.400						
4. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.									
	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req	Dept Req
	GR	FTE	FED	FED	OTHER	OTHER	TOTAL	TOTAL	One-Time
Budget Object Class/Job Class	GR DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS
							0	0.0	0
							0	0.0	0
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
							0		0
Professional Services	3,875,250						3,875,250		3,875,250
							0		0
							0		0
Total EE	3,875,250		0		0		3,875,250		3,875,250
Program Distributions							0		0
Total PSD	0		0		0		0		0
Transfers							0		0
Total TRF	0		0		0		0		0
Grand Total	3,875,250	0.0	0	0.0	0	0.0	3,875,250	0.0	3,875,250

SUPPLEMENTAL NEW DECISION ITEM

Department: Office of the State Public Defender				Budget Unit 1512003					
Division: Legal Services									
DI Name: Excessive Caseload - Emergency Relief		DI#		Original FY 07 House Bill Section, if applicable				12.400	
	Gov Rec	Gov Rec	Gov Rec	Gov Rec	Gov Rec	Gov Rec	Gov Rec	Gov Rec	Gov Rec
	GR	GR	FED	FED	OTHER	OTHER	TOTAL	TOTAL	One-Time
Budget Object Class/Job Class	GR DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS	FTE	DOLLARS
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
Total EE	0		0		0		0		0
Program Distributions									
Total PSD	0		0		0		0		0
Transfers									
Total TRF	0		0		0		0		0
Grand Total	0	0.0	0	0.0	0	0.0	0	0.0	0

SUPPLEMENTAL NEW DECISION ITEM

Department: Office of the State Public Defender

Budget Unit 1512003

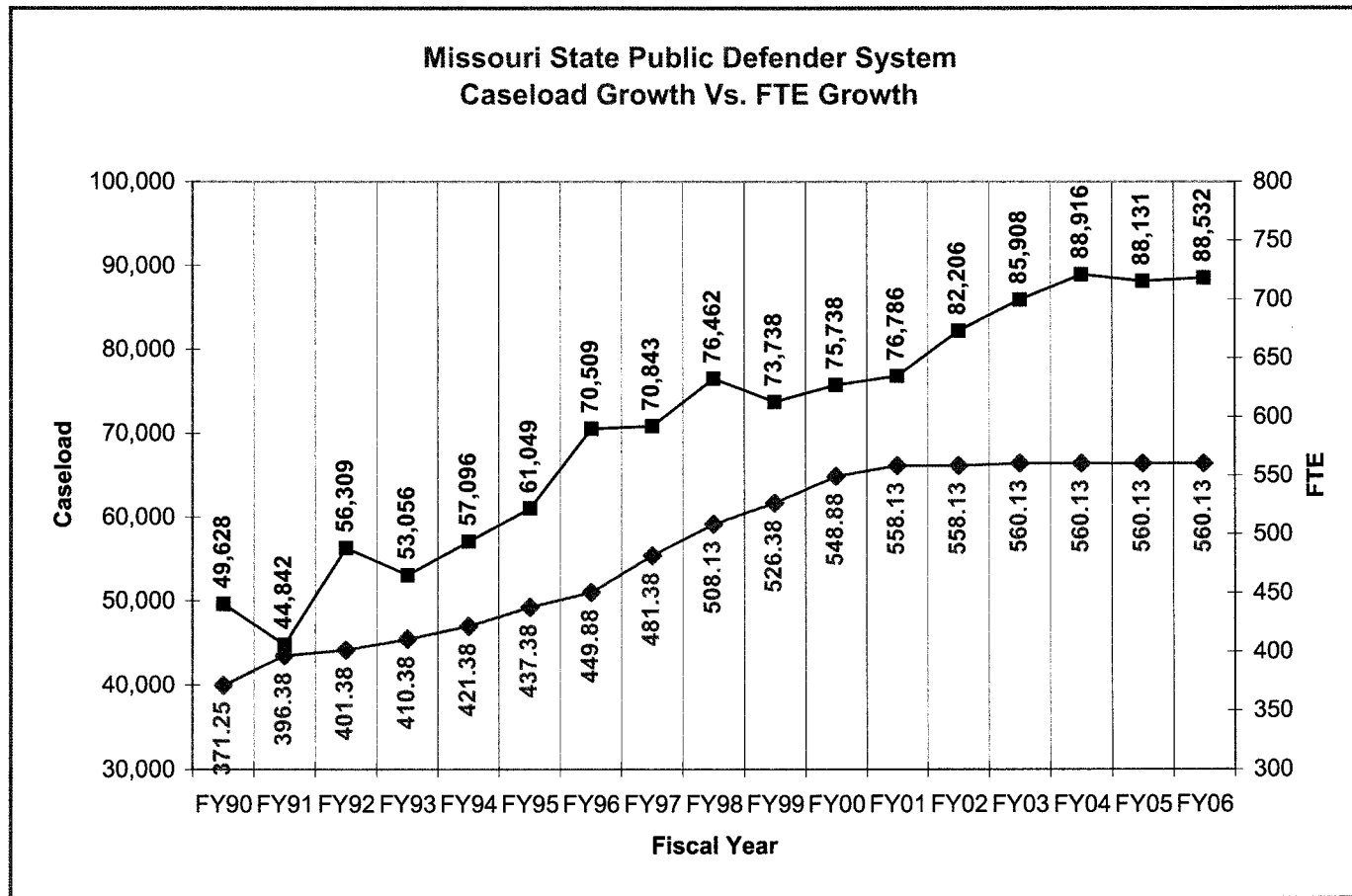
Division: Legal Services

DI Name: Excessive Caseload - Emergency Relief

DI#

Original FY 07 House Bill Section, if applicable 12.400

5. PERFORMANCE MEASURES (If new decision item has an associated core, separately identify projected performance with & without additional funding.)



SUPPLEMENTAL NEW DECISION ITEM

Department: Office of the State Public Defender					1512002				
Division: Legal Services									
DI Name: Recoup Expense & Equipment Approp.					DI#		Original FY 07 House Bill Section, if applicable		
							12.400		
1. AMOUNT OF REQUEST									
FY 2007 Supplemental Budget Request					FY 2007 Supplemental Governor's Recommendation				
	GR	Federal	Other	Total		GR	Fed	Other	Total
PS	0	0	0	0	PS	0	0	0	0
EE	415,500	0	0	415,500	EE	415,500	0	0	415,500
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	415,500	0	0	415,500	Total	415,500	0	0	415,500
FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00
POSITIONS	0	0	0	0	POSITIONS	0	0	0	0
NUMBER OF MONTHS POSITIONS ARE NEEDED:					NUMBER OF MONTHS POSITIONS ARE NEEDED:				
Est. Fringe	0	0	0	0	Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				
Other Funds:					Other Funds:				
2. WHY IS THIS SUPPLEMENTAL FUNDING NEEDED? INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.									
<p>As caseload rose by over 12,000 cases, the expense and equipment budget was cut by \$2,487,350. More cases mean more case files, more paper, more litigation expenses, and drastic increases in mileage. Most of the case increase has been in rural areas where lawyers have to drive hundreds of miles for court appearances and jail visits in multiple counties.</p> <p>The Missouri State Public Defender has slashed all that it can slash, but it is still not enough. For the first time, MSPD ran out of expense and equipment funds before the end of FY06 and had to hold bills for payment into FY07. This of course means that FY07 funds have already started out short, and we will be in the same situation even earlier as we move into the latter half of this fiscal year. A supplemental increase \$415,500 will allow us to recoup the FY07 funds expended for FY06 bills and restore us to the funding level intended by the Governor and the Legislature for this fiscal year.</p>									

SUPPLEMENTAL NEW DECISION ITEM

Department: Office of the State Public Defender			1512002						
Division: Legal Services									
DI Name: Recoup Expense & Equipment Approp.		DI#	Original FY 07 House Bill Section, if applicable		12.400				
<p>3. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? How many positions do the requested FTE equal and for how many months do you need the supplemental funding? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why.)</p>									
<p>4. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.</p>									
Budget Object Class/Job Class	Dept Req GR DOLLARS	Dept Req GR FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
							0	0.0	0
							0	0.0	0
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
Travel In-State - 140	18,050						18,050		
Travel Out-State - 160	4,384						4,384		
Fuel & Utilities - 180	1,304						1,304		
Supplies - 190	35,774						35,774		
Professional Development - 320	1,886						1,886		
Communication Service & Supplies - 340	136,106						136,106		
Professional Services - 400	165,120						165,120		
Janitorial Services - 420	13,530						13,530		
Maintenance & Repair - 430	8,090						8,090		
Computer Equipment - 480	276						276		
Real Property Rentals & Leases - 680	12,360						12,360		
Equipment Rentals & Leases - 690	1,000						1,000		
Miscellaneous Expenses	17,620						17,620		
Total EE	415,500		0		0		415,500		0
Program Distributions							0		0
Total PSD	0		0		0		0		0
Transfers							0		0
Total TRF	0		0		0		0		0
Grand Total	415,500	0.0	0	0.0	0	0.0	415,500	0.0	0

SUPPLEMENTAL NEW DECISION ITEM

Department: Office of the State Public Defender			1512002						
Division: Legal Services									
DI Name: Recoup Expense & Equipment Approp.			DI#		Original FY 07 House Bill Section, if applicable				
					12.400				
Budget Object Class/Job Class	Gov Rec GR DOLLARS	Gov Rec GR FTE	Gov Rec FED DOLLARS	Gov Rec FED FTE	Gov Rec OTHER DOLLARS	Gov Rec OTHER FTE	Gov Rec TOTAL DOLLARS	Gov Rec TOTAL FTE	Gov Rec One-Time DOLLARS
							0	0.0	0
							0	0.0	0
Total PS	0	0.0	0	0.0	0	0.0	0	0.0	0
Travel In-State - 140	18,050						18,050		
Travel Out-State - 160	4,384						4,384		
Fuel & Utilities - 180	1,304						1,304		
Supplies - 190	35,774						35,774		
Professional Development - 320	1,886						1,886		
Communication Service & Supplies - 340	136,106						136,106		
Professional Services - 400	165,120						165,120		
Janitorial Services - 420	13,530						13,530		
Maintenance & Repair - 430	8,090						8,090		
Computer Equipment - 480	276						276		
Real Property Rentals & Leases - 680	12,360						12,360		
Equipment Rentals & Leases - 690	1,000						1,000		
Miscellaneous Expenses	17,620						17,620		
							0		
							0		
							0		
Total EE	415,500		0		0		415,500		
Program Distributions							0		0
Total PSD	0		0		0		0		0
Transfers							0		0
Total TRF	0		0		0		0		0
Grand Total	415,500	0.0	0	0.0	0	0.0	415,500	0.0	0

SUPPLEMENTAL NEW DECISION ITEM

Department: State Public Defender				Budget Unit 1512004			
Division: Legal Defense & Defender Fund							
DI Name: Increased LDDF Ceiling DI#				Original FY 07 House Bill Section, if applicable 12.400			

1. AMOUNT OF REQUEST									
FY 2007 Supplemental Budget Request				FY 2007 Supplemental Governor's Recommendation					
	GR	Federal	Other	Total		GR	Fed	Other	Total
PS	0	0	0	0	PS	0	0	0	0
EE	0	0	1,000,000	1,000,000	EE	0	0	1,000,000	1,000,000
PSD	0	0	0	0	PSD	0	0	0	0
TRF	0	0	0	0	TRF	0	0	0	0
Total	0	0	1,000,000	1,000,000	Total	0	0	1,000,000	1,000,000
FTE	0.00	0.00	0.00	0.00	FTE	0.00	0.00	0.00	0.00
POSITIONS	0	0	0	0	POSITIONS	0	0	0	0
NUMBER OF MONTHS POSITIONS ARE NEEDED:					NUMBER OF MONTHS POSITIONS ARE NEEDED:				
Est. Fringe	0	0	0	0	Est. Fringe	0	0	0	0
<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>					<i>Note: Fringes budgeted in House Bill 5 except for certain fringes budgeted directly to MoDOT, Highway Patrol, and Conservation.</i>				
Other Funds:					Other Funds:				

SUPPLEMENTAL NEW DECISION ITEM

Department: <u>State Public Defender</u>		Budget Unit	<u>1512004</u>
Division: <u>Legal Defense & Defender Fund</u>			
DI Name: <u>Increased LDDF Ceiling</u>	DI#	Original FY 07 House Bill Section, if applicable	<u>12.400</u>
2. WHY IS THIS SUPPLEMENTAL FUNDING NEEDED? INCLUDE THE FEDERAL OR STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS PROGRAM.			
<p>The Legal Defense & Defender Fund, made up of money collected from clients in return for services, mostly paid through the debt offset program, has a current expense and equipment appropriation ceiling of \$1,850,756. MSPD would like this appropriation increased (or estimated) to allow MSPD to make use of all funds collected under the program. This fiscal year the appropriation will pay for all of MSPD's computers and computer networking lines, large equipment purchases such as copy machines, our Westlaw contract, all of MSPD's training, MO Bar dues for our attorneys, etc.</p>			
3. DESCRIBE THE DETAILED ASSUMPTIONS USED TO DERIVE THE SPECIFIC REQUESTED AMOUNT. (How did you determine that the requested number of FTE were appropriate? How many positions do the requested FTE equal and for how many months do you need the supplemental funding? From what source or standard did you derive the requested levels of funding? Were alternatives such as outsourcing or automation considered? If based on new legislation, does request tie to TAFP fiscal note? If not, explain why.)			
<p>The Legal Defense & Defender Fund, made up of money collected from clients in return for services, mostly paid through the debt offset program, has a current expense and equipment appropriation ceiling of \$1,850,756. MSPD would like this appropriation increased (or estimated) to allow MSPD to make use of all funds collected under the program. This fiscal year the appropriation will pay for all of MSPD's computers and computer networking lines, large equipment purchases such as copy machines, our Westlaw contract, all of MSPD's training, MO Bar dues for our attorneys, etc.</p>			

SUPPLEMENTAL NEW DECISION ITEM

Department: State Public Defender				Budget Unit 1512004							
Division: Legal Defense & Defender Fund											
DI Name: Increased LDDF Ceiling		DI#		Original FY 07 House Bill Section, if applicable 12.400							
4. BREAK DOWN THE REQUEST BY BUDGET OBJECT CLASS, JOB CLASS, AND FUND SOURCE. IDENTIFY ONE-TIME COSTS.											
Budget Object Class/Job Class	Dept Req DOLLARS	GR	Dept Req GR	Dept Req FTE	Dept Req FED DOLLARS	Dept Req FED FTE	Dept Req OTHER DOLLARS	Dept Req OTHER FTE	Dept Req TOTAL DOLLARS	Dept Req TOTAL FTE	Dept Req One-Time DOLLARS
									0	0.0	0
									0	0.0	0
Total PS		0		0.0	0	0.0	0	0.0	0	0.0	0
Travel In-State - 140							170,500		170,500		
Travel Out-State - 160							60,500		60,500		
Supplies - 190							62,500		62,500		
Professional Development - 320							63,000		63,000		
Communication Service & Supplies - 340							1,000		1,000		
Professional Services - 400							75,500		75,500		
Computer Equipment - 480							352,500		352,500		
Office Equipment - 580							125,000		125,000		
Real Property Rentals & Leases - 680							8,500		8,500		
Equipment Rentals & Leases - 690									0		
Miscellaneous Expenses							81,000		81,000		
		0			0				1,000,000		0
Total EE							1,000,000				
Program Distributions									0		0
Total PSD		0			0		0		0		0
Transfers									0		0
Total TRF		0			0		0		0		0
Grand Total		0		0.0	0	0.0	1,000,000	0.0	1,000,000	0.0	0

SUPPLEMENTAL NEW DECISION ITEM

Department: State Public Defender				Budget Unit 1512004									
Division: Legal Defense & Defender Fund													
DI Name: Increased LDDF Ceiling				DI#		Original FY 07 House Bill Section, if applicable						12.400	
	Gov Rec	GR	Gov Rec	GR	Gov Rec	Gov Rec		Gov Rec	Gov Rec		Gov Rec	Gov Rec	
Budget Object Class/Job Class	DOLLARS		FTE		FED DOLLARS	FED FTE	OTHER DOLLARS	OTHER FTE	TOTAL DOLLARS		TOTAL FTE	One-Time DOLLARS	
									0		0.0	0	
									0		0.0	0	
Total PS	0		0.0		0	0.0	0	0.0	0		0.0	0	
Travel In-State - 140							170,500		170,500				
Travel Out-State - 160							60,500		60,500				
Supplies - 190							62,500		62,500				
Professional Development - 320							63,000		63,000				
Communication Service & Supplies - 340							1,000		1,000				
Professional Services - 400							75,500		75,500				
Computer Equipment - 480							352,500		352,500				
Office Equipment - 580							125,000		125,000				
Real Property Rentals & Leases - 680							8,500		8,500				
Equipment Rentals & Leases - 690									0				
Miscellaneous Expenses							81,000		81,000				
Total EE	0				0		1,000,000		1,000,000			0	
Program Distributions									0			0	
Total PSD	0				0		0		0			0	
Transfers									0			0	
Total TRF	0				0		0		0			0	
Grand Total	0		0.0		0	0.0	1,000,000	0.0	1,000,000		0.0	0	

SUPPLEMENTAL NEW DECISION ITEM

Department: State Public Defender	Budget Unit 1512004
Division: Legal Defense & Defender Fund	
DI Name: Increased LDDF Ceiling DI#	Original FY 07 House Bill Section, if applicable 12.400
5. PERFORMANCE MEASURES (If new decision item has an associated core, separately identify projected performance with & without additional funding.)	

